

To: Fleisig, Erica[Fleisig.Erica@epa.gov]; Berol, David[Berol.David@epa.gov]
Cc: Crk, Tanja[Crk.Tanja@epa.gov]; Chung, Angela[Chung.Angela@epa.gov]; Guzzo, Lindsay[Guzzo.Lindsay@epa.gov]; Szalay, Endre[Szalay.Endre@epa.gov]; Steiner-Riley, Cara[Steiner-Riley.Cara@epa.gov]; Fidis, Alexander[Fidis.Alexander@epa.gov]; Buffo, Corey[Buffo.Corey@epa.gov]; Ford, Peter[Ford.Peter@epa.gov]; Schroer, Lee[schroer.lee@epa.gov]
From: Szelag, Matthew
Sent: Tue 3/7/2017 5:51:24 PM
Subject: RE: WA Toxic Criteria and AWB Petitions
Draft WA comparison chart 3 6 17.xlsx

Hi all,

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

Matthew Szelag | Water Quality Standards Coordinator

U.S. Environmental Protection Agency | Region 10

222 W 7th Avenue, #19 | Anchorage, AK 99513

P: (907) 271.1208 | szelag.matthew@epa.gov

From: Fleisig, Erica

Sent: Tuesday, March 07, 2017 4:24 AM

To: Berol, David <Berol.David@epa.gov>

Cc: Crk, Tanja <Crk.Tanja@epa.gov>; Chung, Angela <Chung.Angela@epa.gov>; Szelag, Matthew <Szelag.Matthew@epa.gov>; Guzzo, Lindsay <Guzzo.Lindsay@epa.gov>; Szalay, Endre <Szalay.Endre@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Fidis, Alexander <Fidis.Alexander@epa.gov>; Buffo, Corey <Buffo.Corey@epa.gov>; Ford, Peter <Ford.Peter@epa.gov>; Schroer, Lee <schroer.lee@epa.gov>

Subject: Re: WA Toxic Criteria and AWB Petitions

Ex. 5 - Attorney Client

Erica

From: Berol, David

Sent: Monday, March 6, 2017 1:56:42 PM

To: Fleisig, Erica

Cc: Crk, Tanja; Chung, Angela; Szelag, Matthew; Guzzo, Lindsay; Szalay, Endre; Steiner-Riley, Cara; Fidis, Alexander; Buffo, Corey; Ford, Peter; Schroer, Lee

Subject: Re: WA Toxic Criteria and AWB Petitions

Thanks, Erica.

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

-- David Berol

U.S. EPA Office of General Counsel

202-564-6873

On Mar 5, 2017, at 11:44 PM, Fleisig, Erica <Fleisig.Erica@epa.gov> wrote:

Ex. 5 - Attorney Client

-Erica

From: Berol, David

Sent: Friday, March 03, 2017 3:35 PM

To: Crk, Tanja <Crk.Tanja@epa.gov>; Chung, Angela <Chung.Angela@epa.gov>; Szelag, Matthew <Szelag.Matthew@epa.gov>; Guzzo, Lindsay <Guzzo.Lindsay@epa.gov>; Szalay, Endre <Szalay.Endre@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Fleisig, Erica <Fleisig.Erica@epa.gov>; Fidis, Alexander <Fidis.Alexander@epa.gov>; Buffo, Corey <Buffo.Corey@epa.gov>; Ford, Peter <Ford.Peter@epa.gov>

Cc: Schroer, Lee <schroer.lee@epa.gov>

Subject: RE: WA Toxic Criteria and AWB Petitions

Attorney-Client Privileged; Deliberative

(b)(5)

All –

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

David Berol

U.S. EPA Office of General Counsel

202-564-6873

berol.david@epa.gov

-----Original Appointment-----

From: Crk, Tanja

Sent: Thursday, February 23, 2017 9:59 AM

To: Crk, Tanja; Chung, Angela; Szelag, Matthew; Guzzo, Lindsay; Szalay, Endre; Steiner-Riley, Cara; Fleisig, Erica; Fidis, Alexander; Buffo, Corey; Berol, David; Ford, Peter

Cc: Schroer, Lee

Subject: WA Toxic Criteria and AWB Petitions

When: Tuesday, March 07, 2017 1:00 PM-2:00 PM (UTC-05:00) Eastern Time (US & Canada).

Where: HQ-Room-WJCW-6124-50pp

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

To: Fleisig, Erica[Fleisig.Erica@epa.gov]
From: cmsadmin@epa.gov
Sent: Thur 3/3/2016 8:47:21 PM
Subject: CMS New Assignment - Corey Buffo - AX-16-000-4482

Control AX-16-000-4482 has been assigned to you on 3/3/16 3:47 PM by Corey Buffo. Please go to the CMS webpage to view the details of the control.

Summary Information -

Control Number: AX-16-000-4482

Control Subject: DRF - Daily Reading File - Second Follow Up to October 28, 2013 Northwest Environmental Advocates' Petition for Rulemaking on Water Quality Criteria for Toxics in the State of Washington

From: Bell, Nina

Note: This Email was automatically generated. Please do not attempt to respond to it. You can access this control at <https://cms.epa.gov/cms>. Questions or comments concerning CMS should be directed to CMS Support at 202-564-4985 or CMS Information@epa.gov.

To: Fleisig, Erica[Fleisig.Erica@epa.gov]
From: Fabiano, Claudia
Sent: Mon 2/22/2016 7:11:43 PM
Subject: FW: a CMS is coming your way from Nina Bell Re: Petition for Rulemaking on Water Quality Criteria for Toxics in the State of Washington

From: Washington, Evelyn
Sent: Monday, February 22, 2016 1:23 PM
To: Buffo, Corey <Buffo.Corey@epa.gov>; Keating, Jim <Keating.Jim@epa.gov>; Fabiano, Claudia <Fabiano.Claudia@epa.gov>
Cc: Hisel-McCoy, Sara <Hisel-McCoy.Sara@epa.gov>; Barash, Shari <Barash.Shari@epa.gov>
Subject: a CMS is coming your way from Nina Bell Re: Petition for Rulemaking on Water Quality Criteria for Toxics in the State of Washington

This is her Second Follow Up to October 28, 2013 Northwest Environmental Advocates' Petition on this subject.

Northwest Environmental Advocates sent a petition to update the State of Washington's aquatic life criteria in its water quality standards on October 28, 2013. We did not respond.

On August 31, 2015 they sent a follow-up letter urging us to respond. We wrote thanking them for our "valuable input" on the matter but provided no info on when/if we intend to respond to the petition.

This new letter points out minor errors in the original petition and that EPA cannot rely upon the state to do what it should and how inexcusable it is that EPA has not taken any steps to bring WA's water quality standards for toxics up to date. And once again, they urge us to grant the petition.

The due date for the response is March 3 and it is a Direct Reply meaning the DD will sign it.

To: Chung, Angela[Chung.Angela@epa.gov]; Fleisig, Erica[Fleisig.Erica@epa.gov]
From: Szelag, Matthew
Sent: Thur 1/21/2016 3:51:42 PM
Subject: RE: draft NWEA and SEACC petition responses
AK HHC petition response SEACC AC edits mjs.docx
NWEA petition WA toxics AC mjs.docx

Thanks Angela. I've cleaned up both letters and left in a comment or two for Erica's review and input.

Thanks!

Matthew Szelag | Water Quality Standards Coordinator

U.S. Environmental Protection Agency | Region 10

1200 6th Avenue, Suite 900, OWW-191 | Seattle, WA 98101

P: (206) 553.5171 | szelag.matthew@epa.gov

From: Chung, Angela
Sent: Wednesday, January 20, 2016 11:25 PM
To: Szelag, Matthew <Szelag.Matthew@epa.gov>; Fleisig, Erica <Fleisig.Erica@epa.gov>
Subject: RE: draft NWEA petition response

Hola again,

Ex. 5 - Deliberative Process

Angela Chung
Water Quality Standards Unit Manager
U.S. Environmental Protection Agency

1200 Sixth Ave, Suite 900, OWW 191
Seattle, WA 98101
Phone: 206-553-6511

From: Szelag, Matthew
Sent: Friday, January 15, 2016 4:19 PM
To: Fleisig, Erica <Fleisig.Erica@epa.gov>; Chung, Angela <Chung.Angela@epa.gov>
Subject: draft NWEA petition response

Hi Erica and Angela,

Ex. 5 - Deliberative Process

Matthew Szelag | Water Quality Standards Coordinator

U.S. Environmental Protection Agency | Region 10

1200 6th Avenue, Suite 900, OWW-191 | Seattle, WA 98101

P: (206) 553.5171 | szelag.matthew@epa.gov

To: Fleisig, Erica[Fleisig.Erica@epa.gov]
From: Fabiano, Claudia
Sent: Wed 11/6/2013 3:53:29 PM
Subject: FW: Petition to EPA Administrator -- WA toxics
Petition to Update Washington WQS FINAL.pdf
Petition cover letter.pdf

Fyi, this is Nina's petition on both AL and HH

From: Szelag, Matthew
Sent: Monday, October 28, 2013 2:11 PM
To: Galer, Rose; Fabiano, Claudia
Cc: Chung, Angela
Subject: FW: Petition to EPA Administrator -- WA toxics

FYI – I haven't read this yet, but my understanding is that it includes human health and aquatic life. Could you please share with the appropriate folks at HQ?

Thanks,

Matthew Szelag | Water Quality Standards Coordinator

U.S. Environmental Protection Agency | Region 10

1200 6th Avenue, Suite 900, OWW-131 | Seattle, WA 98101

P: (206) 553.5171 | szelag.matthew@epa.gov

From: Nina Bell [<mailto:nbell@advocates-nwea.org>]
Sent: Monday, October 28, 2013 10:18 AM
To: Opalski, Dan; Psyk, Christine; Chung, Angela
Cc: Szelag, Matthew
Subject: Petition to EPA Administrator -- WA toxics

Dan, Christine, and Angela:

Please find attached the petition to Administrator McCarthy regarding Washington's toxic criteria.

Nina

Nina Bell, J.D., Executive Director

Northwest Environmental Advocates

P.O. Box 12187

Portland, OR 97212-0187

www.NorthwestEnvironmentalAdvocates.org

nbell@advocates-nwea.org

503/295-0490

To: Szelag, Matthew[Szelag.Matthew@epa.gov]
From: Fleisig, Erica
Sent: Mon 3/6/2017 5:36:46 PM
Subject: RE: For Sara FW: WA Toxic Criteria and AWB Petitions

Usually it goes from the Administrator to the AA, but let me forward you another email.

From: Szelag, Matthew
Sent: Monday, March 06, 2017 12:26 PM
To: Fleisig, Erica <Fleisig.Erica@epa.gov>
Subject: RE: For Sara FW: WA Toxic Criteria and AWB Petitions

Sorry, for the second email. I read that too fast. I suppose it could be delegated to someone at HQ in water too?

Matthew Szelag | Water Quality Standards Coordinator

U.S. Environmental Protection Agency | Region 10

222 W 7th Avenue, #19 | Anchorage, AK 99513

P: (907) 271.1208 | szelag.matthew@epa.gov

From: Szelag, Matthew
Sent: Monday, March 06, 2017 8:25 AM
To: Fleisig, Erica <Fleisig.Erica@epa.gov>
Subject: RE: For Sara FW: WA Toxic Criteria and AWB Petitions

Hmmm...delegation memo. Interesting. Is that a write up that says you allow the region to respond to petition to HQ?

Matthew Szelag | Water Quality Standards Coordinator

U.S. Environmental Protection Agency | Region 10

222 W 7th Avenue, #19 | Anchorage, AK 99513

P: (907) 271.1208 | szelag.matthew@epa.gov

From: Fleisig, Erica
Sent: Sunday, March 05, 2017 6:27 PM
To: Szelag, Matthew <Szelag.Matthew@epa.gov>
Subject: FW: For Sara FW: WA Toxic Criteria and AWB Petitions

FYI, in case I forget to mention in one of our chats, Sara has a check-in with Mike this Thursday (she's filling in while Betsy S is out) so I suggested it might be a good time for her to raise the timing of this petition response (as well as the FL one which we probably need to do even sooner). I didn't realize the thing about getting a delegation memo...that will be fun!

From: Hisel-Mccoy, Sara
Sent: Sunday, March 05, 2017 8:06 PM
To: Fleisig, Erica <Fleisig.Erica@epa.gov>
Cc: Buffo, Corey <Buffo.Corey@epa.gov>
Subject: Re: For Sara FW: WA Toxic Criteria and AWB Petitions

Thanks so much, Erica. Yes, I agree. We should totally include the Mike discussion on Thursday.

Thanks, Sara

Standards and Health Protection Division

On Mar 5, 2017, at 6:57 PM, Fleisig, Erica <Fleisig.Erica@epa.gov> wrote:

Sara,

Ex. 5 - Deliberative Process

-Erica

From: Berol, David

Sent: Friday, March 03, 2017 3:35 PM

To: Crk, Tanja <Crk.Tanja@epa.gov>; Chung, Angela <Chung.Angela@epa.gov>; Szelag, Matthew <Szelag.Matthew@epa.gov>; Guzzo, Lindsay <Guzzo.Lindsay@epa.gov>; Szalay, Endre <Szalay.Endre@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Fleisig, Erica <Fleisig.Erica@epa.gov>; Fidis, Alexander <Fidis.Alexander@epa.gov>; Buffo, Corey <Buffo.Corey@epa.gov>; Ford, Peter <Ford.Peter@epa.gov>

Cc: Schroer, Lee <schroer.lee@epa.gov>

Subject: RE: WA Toxic Criteria and AWB Petitions

Attorney-Client Privileged; Deliberative

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

David Berol

U.S. EPA Office of General Counsel

202-564-6873

berol.david@epa.gov

-----Original Appointment-----

From: Crk, Tanja

Sent: Thursday, February 23, 2017 9:59 AM

To: Crk, Tanja; Chung, Angela; Szelag, Matthew; Guzzo, Lindsay; Szalay, Endre; Steiner-Riley, Cara; Fleisig, Erica; Fidis, Alexander; Buffo, Corey; Berol, David; Ford, Peter

Cc: Schroer, Lee

Subject: WA Toxic Criteria and AWB Petitions

When: Tuesday, March 07, 2017 1:00 PM-2:00 PM (UTC-05:00) Eastern Time (US & Canada).

Where: HQ-Room-WJCW-6124-50pp

Ex. 5 - Attorney Client

To: Berol, David[Berol.David@epa.gov]; Crk, Tanja[Crk.Tanja@epa.gov]; Chung, Angela[Chung.Angela@epa.gov]; Szelag, Matthew[Szelag.Matthew@epa.gov]; Guzzo, Lindsay[Guzzo.Lindsay@epa.gov]; Szalay, Endre[Szalay.Endre@epa.gov]; Steiner-Riley, Cara[Steiner-Riley.Cara@epa.gov]; Fidis, Alexander[Fidis.Alexander@epa.gov]; Buffo, Corey[Buffo.Corey@epa.gov]; Ford, Peter[Ford.Peter@epa.gov]
Cc: Schroer, Lee[schroer.lee@epa.gov]
From: Fleisig, Erica
Sent: Mon 3/6/2017 4:44:58 AM
Subject: RE: WA Toxic Criteria and AWB Petitions

Ex. 5 - Attorney Client

-Erica

From: Berol, David
Sent: Friday, March 03, 2017 3:35 PM
To: Crk, Tanja <Crk.Tanja@epa.gov>; Chung, Angela <Chung.Angela@epa.gov>; Szelag, Matthew <Szelag.Matthew@epa.gov>; Guzzo, Lindsay <Guzzo.Lindsay@epa.gov>; Szalay, Endre <Szalay.Endre@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Fleisig, Erica <Fleisig.Erica@epa.gov>; Fidis, Alexander <Fidis.Alexander@epa.gov>; Buffo, Corey <Buffo.Corey@epa.gov>; Ford, Peter <Ford.Peter@epa.gov>
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Subject: RE: WA Toxic Criteria and AWB Petitions

Attorney-Client Privileged; Deliberative

Ex. 5 - Attorney Client

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David Berol

U.S. EPA Office of General Counsel

202-564-6873

berol.david@epa.gov

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Sent: Thursday, February 23, 2017 9:59 AM

To: Crk, Tanja; Chung, Angela; Szelag, Matthew; Guzzo, Lindsay; Szalay, Endre; Steiner-Riley, Cara; Fleisig, Erica; Fidis, Alexander; Buffo, Corey; Berol, David; Ford, Peter

Cc: Schroer, Lee

Subject: WA Toxic Criteria and AWB Petitions

When: Tuesday, March 07, 2017 1:00 PM-2:00 PM (UTC-05:00) Eastern Time (US & Canada).

Where: HQ-Room-WJCW-6124-50pp

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

To: Szelag, Matthew (Szelag.Matthew@epa.gov)[Szelag.Matthew@epa.gov]
From: Fleisig, Erica
Sent: Mon 3/6/2017 3:26:45 AM
Subject: FW: For Sara FW: WA Toxic Criteria and AWB Petitions

FYI, in case I forget to mention in one of our chats, Sara has a check-in with Mike this Thursday (she's filling in while Betsy S is out) so I suggested it might be a good time for her to raise the timing of this petition response (as well as the FL one which we probably need to do even sooner). I didn't realize the thing about getting a delegation memo...that will be fun!

From: Hisel-McCoy, Sara
Sent: Sunday, March 05, 2017 8:06 PM
To: Fleisig, Erica <Fleisig.Erica@epa.gov>
Cc: Buffo, Corey <Buffo.Corey@epa.gov>
Subject: Re: For Sara FW: WA Toxic Criteria and AWB Petitions

Thanks so much, Erica. Yes, I agree. We should totally include the Mike discussion on Thursday.

Thanks, Sara

Standards and Health Protection Division

On Mar 5, 2017, at 6:57 PM, Fleisig, Erica <Fleisig.Erica@epa.gov> wrote:

Sara,

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Cc: Schroer, Lee <schroer.lee@epa.gov>

Subject: RE: WA Toxic Criteria and AWB Petitions

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Where: HQ-Room-WJCW-6124-50pp

Ex. 5 - Attorney Client

To: Hisel-McCoy, Sara[Hisel-McCoy.Sara@epa.gov]
Cc: Buffo, Corey[buffo.corey@epa.gov]
From: Fleisig, Erica
Sent: Sun 3/5/2017 11:57:50 PM
Subject: For Sara FW: WA Toxic Criteria and AWB Petitions

Sara,

Ex. 5 - Deliberative Process

-Erica

From: Berol, David
Sent: Friday, March 03, 2017 3:35 PM
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Cc: Schroer, Lee <schroer.lee@epa.gov>
Subject: RE: WA Toxic Criteria and AWB Petitions

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Cc: Schroer, Lee

Subject: WA Toxic Criteria and AWB Petitions

When: Tuesday, March 07, 2017 1:00 PM-2:00 PM (UTC-05:00) Eastern Time (US & Canada).

Where: HQ-Room-WJCW-6124-50pp

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

To: Szelag, Matthew (Szelag.Matthew@epa.gov)[Szelag.Matthew@epa.gov]
From: Fleisig, Erica
Sent: Thur 3/2/2017 2:10:28 AM
Subject: FW: New CWA Unreasonable Delay Lawsuit to Respond to Administrative Petition Regarding Washington WQS

Ex. 5 - Deliberative Process

From: Schroer, Lee
Sent: Wednesday, March 01, 2017 5:41 PM
To: Shapiro, Mike <Shapiro.Mike@epa.gov>; Best-Wong, Benita <Best-Wong.Benita@epa.gov>; Campbell, Ann <Campbell.Ann@epa.gov>; Southerland, Elizabeth <Southerland.Elizabeth@epa.gov>; Lape, Jeff <lape.jeff@epa.gov>; Hisel-McCoy, Sara <Hisel-McCoy.Sara@epa.gov>; Washington, Evelyn <Washington.Evelyn@epa.gov>; Buffo, Corey <Buffo.Corey@epa.gov>; Keating, Jim <Keating.Jim@epa.gov>; Crk, Tanja <Crk.Tanja@epa.gov>; Fleisig, Erica <Fleisig.Erica@epa.gov>; Behl, Betsy <Behl.Betsy@epa.gov>; Gallagher, Kathryn <Gallagher.Kathryn@epa.gov>; Strong, Jamie <Strong.Jamie@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>; Psyk, Christine <Psyk.Christine@epa.gov>; Chung, Angela <Chung.Angela@epa.gov>; Szelag, Matthew <Szelag.Matthew@epa.gov>; Guzzo, Lindsay <Guzzo.Lindsay@epa.gov>
Cc: Stern, Allyn <Stern.Allyn@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Fidis, Alexander <Fidis.Alexander@epa.gov>; Szelag, Matthew <Szelag.Matthew@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Berol, David <Berol.David@epa.gov>; Ford, Peter <Ford.Peter@epa.gov>; Parikh, Pooja <Parikh.Pooja@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Curtin, James <curtin.james@epa.gov>; Sweeney, Stephen <Sweeney.Stephen@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>; Zomer, Jessica <Zomer.Jessica@epa.gov>; Schroer, Lee <schroer.lee@epa.gov>
Subject: New CWA Unreasonable Delay Lawsuit to Respond to Administrative Petition Regarding Washington WQS

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

David Berol of OGC and Alex Fidis of Region 10's ORC are assigned to this matter. If you have any questions, they can be reached at (202) 564-6873 and (206) 553-4710, respectively.

Lee C. Schroer

Office of General Counsel (Mail Code 2355A)

Room 7518C William Jefferson Clinton Bldg North

Environmental Protection Agency

1200 Pennsylvania Avenue, N.W.

Washington, D.C. 20460

Tel: 202-564-5476

To: Barash, Shari[Barash.Shari@epa.gov]
From: Fleisig, Erica
Sent: Wed 3/1/2017 4:13:22 PM
Subject: FW: NWEA letter re WA toxic criteria
NWEA response to EPA May 4 2016 letter.pdf

From: Hisel-Mccoy, Sara
Sent: Tuesday, February 21, 2017 3:39 PM
To: Fleisig, Erica <Fleisig.Erica@epa.gov>
Subject: FW: NWEA letter re WA toxic criteria

Yup – just got it.

From: Nina Bell [<mailto:nbell@advocates-nwea.org>]
Sent: Tuesday, February 21, 2017 3:07 PM
To: Hisel-Mccoy, Sara <Hisel-McCoy.Sara@epa.gov>
Cc: Chung, Angela <Chung.Angela@epa.gov>; Psyk, Christine <Psyk.Christine@epa.gov>
Subject: NWEA letter re WA toxic criteria

Nina Bell, J.D., Executive Director

Northwest Environmental Advocates

P.O. Box 12187

Portland, OR 97212

nbell@advocates-nwea.org

NorthwestEnvironmentalAdvocates.org

503/295-0490

To: Crk, Tanja[Crk.Tanja@epa.gov]
From: Fleisig, Erica
Sent: Fri 2/24/2017 6:33:21 AM
Subject: FW: NWEA letter re WA toxic criteria
NWEA response to EPA May 4 2016 letter.pdf

From: Hisel-Mccoy, Sara
Sent: Wednesday, February 22, 2017 11:26 AM
To: Southerland, Elizabeth <Southerland.Elizabeth@epa.gov>
Cc: Buffo, Corey <Buffo.Corey@epa.gov>; Fleisig, Erica <Fleisig.Erica@epa.gov>
Subject: FW: NWEA letter re WA toxic criteria

FYI

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Sent: Tuesday, February 21, 2017 3:07 PM
To: Hisel-Mccoy, Sara <Hisel-McCoy.Sara@epa.gov>
Cc: Chung, Angela <Chung.Angela@epa.gov>; Psyk, Christine <Psyk.Christine@epa.gov>
Subject: NWEA letter re WA toxic criteria

Nina Bell, J.D., Executive Director

Northwest Environmental Advocates

P.O. Box 12187

Portland, OR 97212

nbell@advocates-nwea.org

NorthwestEnvironmentalAdvocates.org

503/295-0490

To: Szelag, Matthew (Szelag.Matthew@epa.gov)[Szelag.Matthew@epa.gov]
From: Fleisig, Erica
Sent: Wed 2/22/2017 4:37:52 PM
Subject: FW: NWEA letter re WA toxic criteria
NWEA response to EPA May 4 2016 letter.pdf

I have thoughts about this. Hope you're on IM later today ☺

From: Hisel-Mccoy, Sara
Sent: Wednesday, February 22, 2017 11:26 AM
To: Southerland, Elizabeth <Southerland.Elizabeth@epa.gov>
Cc: Buffo, Corey <Buffo.Corey@epa.gov>; Fleisig, Erica <Fleisig.Erica@epa.gov>
Subject: FW: NWEA letter re WA toxic criteria

FYI

From: Nina Bell [<mailto:nbell@advocates-nwea.org>]
Sent: Tuesday, February 21, 2017 3:07 PM
To: Hisel-Mccoy, Sara <Hisel-McCoy.Sara@epa.gov>
Cc: Chung, Angela <Chung.Angela@epa.gov>; Psyk, Christine <Psyk.Christine@epa.gov>
Subject: NWEA letter re WA toxic criteria

Nina Bell, J.D., Executive Director

Northwest Environmental Advocates

P.O. Box 12187

Portland, OR 97212

nbell@advocates-nwea.org

NorthwestEnvironmentalAdvocates.org

503/295-0490

To: Hisel-McCoy, Sara[Hisel-McCoy.Sara@epa.gov]; Berol, David[Berol.David@epa.gov]; Schroer, Lee[schroer.lee@epa.gov]; Buffo, Corey[buffo.corey@epa.gov]
Cc: Crk, Tanja[Crk.Tanja@epa.gov]
From: Fleisig, Erica
Sent: Tue 2/21/2017 8:10:41 PM
Subject: FW: NWEA letter re WA toxic criteria
NWEA response to EPA May 4 2016 letter.pdf

Looks like she did respond to Sara's May letter (today).

From: Chung, Angela
Sent: Tuesday, February 21, 2017 3:09 PM
To: Crk, Tanja <Crk.Tanja@epa.gov>; Fleisig, Erica <Fleisig.Erica@epa.gov>; Buffo, Corey <Buffo.Corey@epa.gov>; Szelag, Matthew <Szelag.Matthew@epa.gov>; Guzzo, Lindsay <Guzzo.Lindsay@epa.gov>; Fidis, Alexander <Fidis.Alexander@epa.gov>; Szalay, Endre <Szalay.Endre@epa.gov>
Subject: FW: NWEA letter re WA toxic criteria

FYI

Angela Chung
Water Quality Standards Unit Manager
U.S. Environmental Protection Agency
1200 Sixth Ave, Suite 900, OWW 191
Seattle, WA 98101
Phone: 206-553-6511

From: Nina Bell [mailto:nbell@advocates-nwea.org]
Sent: Tuesday, February 21, 2017 12:07 PM
To: Hisel-McCoy, Sara <Hisel-McCoy.Sara@epa.gov>
Cc: Chung, Angela <Chung.Angela@epa.gov>; Psyk, Christine <Psyk.Christine@epa.gov>
Subject: NWEA letter re WA toxic criteria

Nina Bell, J.D., Executive Director

Northwest Environmental Advocates

P.O. Box 12187

Portland, OR 97212

nbell@advocates-nwea.org

NorthwestEnvironmentalAdvocates.org

503/295-0490

To: Szelag, Matthew (Szelag.Matthew@epa.gov)[Szelag.Matthew@epa.gov]
From: Fleisig, Erica
Sent: Tue 2/21/2017 8:10:02 PM
Subject: FW: NWEA letter re WA toxic criteria
NWEA response to EPA May 4 2016 letter.pdf

Well there it is!

From: Chung, Angela
Sent: Tuesday, February 21, 2017 3:09 PM
To: Crk, Tanja <Crk.Tanja@epa.gov>; Fleisig, Erica <Fleisig.Erica@epa.gov>; Buffo, Corey <Buffo.Corey@epa.gov>; Szelag, Matthew <Szelag.Matthew@epa.gov>; Guzzo, Lindsay <Guzzo.Lindsay@epa.gov>; Fidis, Alexander <Fidis.Alexander@epa.gov>; Szalay, Endre <Szalay.Endre@epa.gov>
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Cc: Chung, Angela <Chung.Angela@epa.gov>; Psyk, Christine <Psyk.Christine@epa.gov>
Subject: NWEA letter re WA toxic criteria

Nina Bell, J.D., Executive Director

Northwest Environmental Advocates

P.O. Box 12187

Portland, OR 97212

nbell@advocates-nwea.org

NorthwestEnvironmentalAdvocates.org

503/295-0490

To: McRae, Evelyn[McRae.Evelyn@epa.gov]
From: Fleisig, Erica
Sent: Thur 6/1/2017 3:04:08 PM
Subject: FW: ETA for Northwest Environmental Advocates (NWEA) petition response

Erica Fleisig

Physical Scientist, Team Leader

Regional Water Quality Standards Branch, Office of Science and Technology

U.S. Environmental Protection Agency

1200 Pennsylvania Ave, NW (4305T)

Washington, DC 20460

(202) 566-1057 (work)

(202) 566-0409 (fax)

From: Hisel-Mccoy, Sara
Sent: Thursday, June 01, 2017 10:02 AM
To: Fleisig, Erica <Fleisig.Erica@epa.gov>
Cc: Buffo, Corey <Buffo.Corey@epa.gov>; Crk, Tanja <Crk.Tanja@epa.gov>; Chung, Angela <Chung.Angela@epa.gov>; Szelag, Matthew <Szelag.Matthew@epa.gov>; Berol, David <Berol.David@epa.gov>; Schroer, Lee <schroer.lee@epa.gov>
Subject: Re: ETA for Northwest Environmental Advocates (NWEA) petition response

Yes. That works.

Evelyn, when it is signed please attach to Ericas message, Sign Sara Hisel-McCoy, and include my signature block.

Thank you,

Sara

Standards and Health Protection Division

On Jun 1, 2017, at 9:50 AM, Fleisig, Erica <Fleisig.Erica@epa.gov> wrote:

Ex. 5 - Deliberative Process

Erica Fleisig

Physical Scientist, Team Leader

Regional Water Quality Standards Branch, Office of Science and Technology

U.S. Environmental Protection Agency

1200 Pennsylvania Ave, NW (4305T)

Washington, DC 20460

(202) 566-1057 (work)

(202) 566-0409 (fax)

From: Hisel-Mccoy, Sara

Sent: Thursday, June 01, 2017 9:24 AM

To: Fleisig, Erica <Fleisig.Erica@epa.gov>

Cc: Buffo, Corey <Buffo.Corey@epa.gov>; Crk, Tanja <Crk.Tanja@epa.gov>; Chung, Angela <Chung.Angela@epa.gov>; Szelag, Matthew <Szelag.Matthew@epa.gov>; Berol, David <Berol.David@epa.gov>; Schroer, Lee <schroer.lee@epa.gov>

Subject: Re: ETA for Northwest Environmental Advocates (NWEA) petition response

Evelyn can send from my inbox. So how about I take a look this afternoon and give her any edits I have and she can send it. Does that work?

Standards and Health Protection Division

On Jun 1, 2017, at 8:42 AM, Fleisig, Erica <Fleisig.Erica@epa.gov> wrote:

Mike signed the WA petition denial. Once we get a copy, we'll draft an email for someone to send (maybe Betsy S if Sara is out today?) and then R10 can send to Ecology.

From: Lousberg, Macara

Sent: Thursday, June 1, 2017 8:37:25 AM

To: Dennis, Allison

Cc: Christensen, Christina; Lalley, Cara; Gerstein, Arielle; Fleisig, Erica; Campbell, Ann; Evalenko, Sandy

Subject: RE: ETA for Northwest Environmental Advocates (NWEA) petition response

FYI, Mike signed the letter last night. The package is on its way to the correspondence team to be logged out.

From: Lousberg, Macara
Sent: Wednesday, May 31, 2017 12:39 PM
To: Dennis, Allison <Dennis.Allison@epa.gov>
Cc: Christensen, Christina <Christensen.Christina@epa.gov>; Lalley, Cara <Lalley.Cara@epa.gov>; Gerstein, Arielle <gerstein.arielle@epa.gov>; Fleisig, Erica <Fleisig.Erica@epa.gov>; Campbell, Ann <Campbell.Ann@epa.gov>; Sandy Evalenko <Evalenko.Sandy@epa.gov>
Subject: RE: ETA for Northwest Environmental Advocates (NWEA) petition response

FYI all, I just put the package in Mike's in box for signature.

From: Lousberg, Macara
Sent: Wednesday, May 31, 2017 6:10 AM
To: Dennis, Allison <Dennis.Allison@epa.gov>
Cc: Christensen, Christina <Christensen.Christina@epa.gov>; Lalley, Cara <Lalley.Cara@epa.gov>; Gerstein, Arielle <gerstein.arielle@epa.gov>; Fleisig, Erica <Fleisig.Erica@epa.gov>
Subject: Re: ETA for Northwest Environmental Advocates (NWEA) petition response

No. Both Wanda and Diane were out yesterday so I don't believe the signature package was prepared. I'll follow up this morning.

Sent from my iPhone

On May 30, 2017, at 11:06 PM, Dennis, Allison <Dennis.Allison@epa.gov> wrote:

Did mike sign this tonight ?

Sent from my iPhone

On May 30, 2017, at 1:16 PM, Christensen, Christina <Christensen.Christina@epa.gov> wrote:

This was routed through CMS late Friday for Mike's signature, so it should be with the OW IO now.

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Cc: Christensen, Christina <Christensen.Christina@epa.gov>; Gerstein, Arielle <gerstein.arielle@epa.gov>
Subject: RE: ETA for Northwest Environmental Advocates (NWEA) petition response

As of last Thursday, OST was waiting for OGC to provide their sign-off.
Looping in Christina and Arielle in case either of them has an update on this.

From: Dennis, Allison
Sent: Tuesday, May 30, 2017 11:03 AM
To: Lalley, Cara <Lalley.Cara@epa.gov>; Lousberg, Macara <Lousberg.Macara@epa.gov>
Subject: ETA for Northwest Environmental Advocates (NWEA) petition response

Has Mike signed it yet? If not, does anyone know when he's planning to?
Thanks! – Allison

To: Hisel-McCoy, Sara[Hisel-McCoy.Sara@epa.gov]
Cc: Buffo, Corey[Buffo.Corey@epa.gov]; Crk, Tanja[Crk.Tanja@epa.gov]; Chung, Angela[Chung.Angela@epa.gov]; Szelag, Matthew[Szelag.Matthew@epa.gov]; Berol, David[Berol.David@epa.gov]; Schroer, Lee[schroer.lee@epa.gov]
From: Fleisig, Erica
Sent: Thur 6/1/2017 1:50:06 PM
Subject: RE: ETA for Northwest Environmental Advocates (NWEA) petition response

Ex. 5 - Deliberative Process

Erica Fleisig

Physical Scientist, Team Leader

Regional Water Quality Standards Branch, Office of Science and Technology

U.S. Environmental Protection Agency

1200 Pennsylvania Ave, NW (4305T)

Washington, DC 20460

(202) 566-1057 (work)

(202) 566-0409 (fax)

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Sent: Thursday, June 01, 2017 9:24 AM

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Subject: Re: ETA for Northwest Environmental Advocates (NWEA) petition response

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Standards and Health Protection Division

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Subject: Re: ETA for Northwest Environmental Advocates (NWEA) petition response

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Cc: Christensen, Christina <Christensen.Christina@epa.gov>; Gerstein, Arielle <gerstein.arielle@epa.gov>
Subject: RE: ETA for Northwest Environmental Advocates (NWEA) petition response

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Looping in Christina and Arielle in case either of them has an update on this.

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To: Lalley, Cara <Lalley.Cara@epa.gov>; Lousberg, Macara <Lousberg.Macara@epa.gov>
Subject: ETA for Northwest Environmental Advocates (NWEA) petition response

Has Mike signed it yet? If not, does anyone know when he's planning to? Thanks!
– Allison

To: Washington, Evelyn[Washington.Evelyn@epa.gov]; Hisel-McCoy, Sara[Hisel-McCoy.Sara@epa.gov]
Cc: Buffo, Corey[Buffo.Corey@epa.gov]
From: Fleisig, Erica
Sent: Wed 5/24/2017 12:40:42 PM
Subject: Fw: Temporary Delegation of Authority - Northwest Environmental Advocates
[Temporary Delegation.NWEA.5.22.17.pdf](#)

2 for the price of 1!

From: Schroer, Lee
Sent: Wednesday, May 24, 2017 8:29:32 AM
To: Fleisig, Erica
Subject: FW: Temporary Delegation of Authority - Northwest Environmental Advocates

fyi

Lee C. Schroer

Office of General Counsel (Mail Code 2355A)

Room 7518C William Jefferson Clinton Bldg North

Environmental Protection Agency

1200 Pennsylvania Avenue, N.W.

Washington, D.C. 20460

Tel: 202-564-5476

From: Lousberg, Macara
Sent: Wednesday, May 24, 2017 7:22 AM
To: Schroer, Lee <schroer.lee@epa.gov>
Subject: FW: Temporary Delegation of Authority - Northwest Environmental Advocates

FYI Lee, the Administrator signed the Washington State delegation too.

From: Shapiro, Mike
Sent: Tuesday, May 23, 2017 10:12 PM

To: Lousberg, Macara <Lousberg.Macara@epa.gov>; Evalenko, Sandy
<Evalenko.Sandy@epa.gov>
Cc: Best-Wong, Benita <Best-Wong.Benita@epa.gov>
Subject: FW: Temporary Delegation of Authority - Northwest Environmental Advocates

Here's 2 of 2.

Michael Shapiro

Acting Assistant Administrator, Office of Water

US EPA, 4101M

1200 Pennsylvania Ave., NW

Washington, DC 20460

202-564-5700

From: Hope, Brian **On Behalf Of** EPAExecSec
Sent: Tuesday, May 23, 2017 10:52 AM
To: Shapiro, Mike <Shapiro.Mike@epa.gov>
Subject: Temporary Delegation of Authority - Northwest Environmental Advocates

Please see the attached memorandum signed by Administrator Pruitt.

To: Buffo, Corey[Buffo.Corey@epa.gov]; Chung, Angela[Chung.Angela@epa.gov]; Szelag, Matthew[Szelag.Matthew@epa.gov]; Berol, David[Berol.David@epa.gov]; Guzzo, Lindsay[Guzzo.Lindsay@epa.gov]; Crk, Tanja[Crk.Tanja@epa.gov]; Ford, Peter[Ford.Peter@epa.gov]
Cc: Schroer, Lee[schroer.lee@epa.gov]
From: Fleisig, Erica
Sent: Wed 5/24/2017 12:39:53 PM
Subject: Fw: Temporary Delegation of Authority - Northwest Environmental Advocates
[Temporary Delegation.NWEA.5.22.17.pdf](#)

Wow! I guess this means we can wrap this one up too. Our next step would be to ask for OGC concurrence on the version that previously went to Mike, assuming we are good to go?

Erica

From: Schroer, Lee
Sent: Wednesday, May 24, 2017 8:29:32 AM
To: Fleisig, Erica
Subject: FW: Temporary Delegation of Authority - Northwest Environmental Advocates

fyi

Lee C. Schroer
Office of General Counsel (Mail Code 2355A)
Room 7518C William Jefferson Clinton Bldg North
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
Tel: 202-564-5476

From: Lousberg, Macara
Sent: Wednesday, May 24, 2017 7:22 AM
To: Schroer, Lee <schroer.lee@epa.gov>
Subject: FW: Temporary Delegation of Authority - Northwest Environmental Advocates

FYI Lee, the Administrator signed the Washington State delegation too.

From: Shapiro, Mike
Sent: Tuesday, May 23, 2017 10:12 PM
To: Lousberg, Macara <Lousberg.Macara@epa.gov>; Evalenko, Sandy <Evalenko.Sandy@epa.gov>
Cc: Best-Wong, Benita <Best-Wong.Benita@epa.gov>
Subject: FW: Temporary Delegation of Authority - Northwest Environmental Advocates

Here's 2 of 2.

Michael Shapiro

Acting Assistant Administrator, Office of Water

US EPA, 4101M

1200 Pennsylvania Ave., NW

Washington, DC 20460

202-564-5700

From: Hope, Brian **On Behalf Of** EPAExecSec
Sent: Tuesday, May 23, 2017 10:52 AM
To: Shapiro, Mike <Shapiro.Mike@epa.gov>
Subject: Temporary Delegation of Authority - Northwest Environmental Advocates

Please see the attached memorandum signed by Administrator Pruitt.

To: Berol, David[Berol.David@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]
Cc: Crk, Tanja[Crk.Tanja@epa.gov]; Ludwig-Monty, Sarah[ludwig-monty.sarah@epa.gov]; Schroer, Lee[schroer.lee@epa.gov]; Buffo, Corey[buffo.corey@epa.gov]
From: Fleisig, Erica
Sent: Fri 4/28/2017 4:12:14 PM
Subject: Need OGC concurrence on FL and WA petition delegations
FL Toxics Deleg of Auth Letter_4 20 2017.docx
WA Toxics Del of Authority Letter_4 20 2017.doc
WASHINGTON One-Time Delegation re WQ Toxics_04-27-17.pdf
FLORIDA One Time Delegation Pkg re WQ Toxics_04-27-17.pdf

Sorry for the urgent request, but it looks like we need OGC concurrence on these delegations. I know you guys already reviewed, but can you please formally concur? I've attached the latest versions, including the memos that Mike signed.

Thank you!

Erica

Erica Fleisig

Physical Scientist, Team Leader

Regional Water Quality Standards Branch, Office of Science and Technology

U.S. Environmental Protection Agency

1200 Pennsylvania Ave, NW (4305T)

Washington, DC 20460

(202) 566-1057 (work)

(202) 566-0409 (fax)

From: Evalenko, Sandy

Sent: Friday, April 28, 2017 12:07 PM

To: Fleisig, Erica <Fleisig.Erica@epa.gov>

Cc: Crk, Tanja <Crk.Tanja@epa.gov>; Ludwig-Monty, Sarah <ludwig-monty.sarah@epa.gov>; Washington, Evelyn <Washington.Evelyn@epa.gov>; Buffo, Corey <Buffo.Corey@epa.gov>; Jones-Coleman, Diane <Jones-Coleman.Diane@epa.gov>; Christensen, Christina

<Christensen.Christina@epa.gov>; Lousberg, Macara <Lousberg.Macara@epa.gov>
Subject: Delegation memos moving asap for signature

Erica: I forgot to ask for an OGC concurrence for both delegations. It may have been in the package but I don't have it. A separate email from the OGC attorney is good for each. Deborah Ward-Beard (OARM) will begin to process these. She cannot move them until we have concurrences. Please send the OGC concurrences to both me and Diane Jones-Coleman.

Thanks

Sandy



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 27 2017

OFFICE OF WATER

MEMORANDUM

SUBJECT: Request for One-time Delegation of Authority for the Purpose of Responding to a Petition for Rulemaking Under the Clean Water Act to Update the Water Quality Criteria for Toxics in the State of Washington

FROM: Michael H. Shapiro *Michael Shapiro*
Acting Assistant Administrator

TO: Cheri M. Hembrey, Director
Program Management and Communications Staff
Office of Human Resources

ISSUE

The purpose of this memorandum is to request a one-time delegation of authority to the Acting Assistant Administrator for the Office of Water to respond to a Petition for Rulemaking under the Clean Water Act to Update the Water Quality Criteria for Toxics in the State of Washington. The Office of Water believes that a delegation of signature authority to the Acting Assistant Administrator is appropriate given the nature and timing of this decision.

TIME SENSITIVITY

Under current court scheduling, the EPA must answer the Northwest Environmental Advocates (NWEA) unreasonable delay suit on June 27, 2017. If the EPA is able to issue a timely response to the underlying administrative petition, it will be able to conserve limited resources and avoid potential discovery, briefs and attorneys' fees associated with NWEA's unreasonable delay suit.

BACKGROUND

On October 28, 2013, NWEA filed a petition requesting that the EPA establish new and revised water quality standards (WQS) for toxic pollutants to protect human health and aquatic life in Washington. NWEA supplemented its petition with letters dated August 31, 2015, February 9, 2016, and February 21, 2017. Also on February 21, 2017, NWEA filed an unreasonable delay suit against the Agency in the Western District of Washington. *Northwest Environmental Advocates v. EPA*, No. 2:17-cv-00263 (W.D.Wash.). Sections 553(e) and 555(b) of the Administrative Procedure Act provide that federal agencies may be petitioned for rulemaking and that agencies must respond to petitions "within a reasonable time".

On May 4, 2016, the EPA sent an interim response to NWEA's 2013 petition, explaining that the Agency was in the midst of working with Washington on updates to the state's water quality toxics criteria for human health. With respect to aquatic life, the EPA noted that it expected Washington to turn to aquatic life criteria after it completed its work on human health criteria.

On November 15, 2016, the Administrator signed a notice of final rulemaking promulgating 144 human health criteria for Washington waters, and the EPA took action to approve in part and disapprove in part Washington's August 1, 2016, submission of revised human health criteria (45 approved, 143 disapproved). In its review of Washington's criteria submittal, the EPA disapproved the state's arsenic criteria, but took no action on the state's criteria for thallium and dioxin. The EPA's final rule did not include criteria for thallium, dioxin, and arsenic, due to scientific uncertainties regarding the underlying input variables for those pollutants.

NWEA's February 21, 2017, complaint cites three substantive issues: 1) the EPA did not promulgate human health criteria for the full suite of pollutants that NWEA requested in the original petition (because the EPA's final rule for Washington did not include human health criteria for arsenic, dioxin or thallium); 2) Washington has not yet adopted revised aquatic life criteria since the date of NWEA's petition; and, 3) the EPA's promulgation and approval of human health criteria for Washington in 2016 did not fully address NWEA's petition for revised aquatic life criteria, because in some cases, the CWA section 304(a) EPA recommended aquatic life criterion for a particular pollutant is more stringent than the EPA recommended human health criteria. The complaint asks the court to order the EPA to respond to NWEA's petition within 30 days of the date of the court's order and award NWEA attorneys' fees.

OW and Region 10 program staff have carefully considered NWEA's petition and have prepared a draft response. The programs are planning to deny the petition, in light of Washington's recent efforts to develop and adopt other WQS and in recognition of Washington's discretion to set priorities for its criteria development work. In its draft response, the programs have also noted the EPA's discretion to allocate its resources in a manner that supports targeted regional and state activities to accomplish the mutual goals of developing and adopting human health criteria for the three pollutants in question and revised aquatic life criteria.

BASIS FOR REQUESTING DELEGATION OF AUTHORITY

This one-time delegation of authority is necessary and appropriate here for two reasons. First, this action is state-specific and is not significantly precedential. Second, in part due to the time-sensitive nature of this action, we believe that a delegation of signature authority is an efficient use of Agency resources.

We coordinated preparation of this request with EPA Region 10 and with the Office of General Counsel. If you have any questions about this delegation request, please do not hesitate to call me.

Attachment:

Delegation from Administrator to Acting Assistant Administrator

cc. Michelle Pirzadeh, Acting Regional Administrator, Region 10

To: efleisig@gmail.com[efleisig@gmail.com]
From: Fleisig, Erica
Sent: Mon 8/31/2015 10:34:05 PM
Subject: FW: NWEA 2013 Petition on WA WQS -- follow up letter
Petition follow up letter Aug 31 2015.pdf
ATT00001.htm

From: Hisel-McCoy, Sara
Sent: Monday, August 31, 2015 2:16 PM
To: Buffo, Corey; Fleisig, Erica; Fabiano, Claudia
Subject: Fwd: NWEA 2013 Petition on WA WQS -- follow up letter

Sara Hisel-McCoy

Standards and Health Protection Division

202 566-1649

Begin forwarded message:

From: Nina Bell <nbell@advocates-nwea.org>
Date: August 31, 2015 at 2:02:06 PM EDT
To: "McLerran, Dennis" <mclerran.dennis@epa.gov>, "Opalski, Dan" <Opalski.Dan@epa.gov>, "Chung, Angela" <Chung.Angela@epa.gov>, "Behl, Betsy" <Behl.Betsy@epa.gov>, "Hisel-McCoy, Sara" <Hisel-McCoy.Sara@epa.gov>, "Southerland, Elizabeth" <Southerland.Elizabeth@epa.gov>, "Kopocis, Ken" <Kopocis.Ken@epa.gov>
Subject: NWEA 2013 Petition on WA WQS -- follow up letter
Reply-To: "nbell@advocates-nwea.org" <nbell@advocates-nwea.org>

Please see the attached letter regarding Northwest Environmental Advocates' October 28, 2013 Petition for Rulemaking on Water Quality Criteria for Toxics in the State of Washington sent to Administrator Gina McCarthy today.

Sincerely,

Nina

Nina Bell, J.D., Executive Director

Northwest Environmental Advocates

P.O. Box 12187

Portland, OR 97212-0187

www.NorthwestEnvironmentalAdvocates.org

nbell@advocates-nwea.org

503/295-0490

To: Szlag, Matthew (Szlag.Matthew@epa.gov)[Szlag.Matthew@epa.gov]
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Sent: Mon 8/31/2015 6:24:42 PM
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We never do enough...

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Begin forwarded message:

From: Nina Bell <nbell@advocates-nwea.org>
Date: August 31, 2015 at 2:02:06 PM EDT
To: "McLerran, Dennis" <mclerran.dennis@epa.gov>, "Opalski, Dan" <Opalski.Dan@epa.gov>, "Chung, Angela" <Chung.Angela@epa.gov>, "Behl, Betsy" <Behl.Betsy@epa.gov>, "Hisel-McCoy, Sara" <Hisel-McCoy.Sara@epa.gov>, "Southerland, Elizabeth" <Southerland.Elizabeth@epa.gov>, "Kopocis, Ken" <Kopocis.Ken@epa.gov>
Subject: NWEA 2013 Petition on WA WQS -- follow up letter
Reply-To: "nbell@advocates-nwea.org" <nbell@advocates-nwea.org>

Please see the attached letter regarding Northwest Environmental Advocates' October 28, 2013 Petition for Rulemaking on Water Quality Criteria for Toxics in the State of Washington sent to Administrator Gina McCarthy today.

Sincerely,

Nina

Nina Bell, J.D., Executive Director

Northwest Environmental Advocates

P.O. Box 12187

Portland, OR 97212-0187

www.NorthwestEnvironmentalAdvocates.org

nbell@advocates-nwea.org

503/295-0490

To: Gerstein, Arielle[gerstein.arielle@epa.gov]
From: Fleisig, Erica
Sent: Tue 4/18/2017 5:49:30 PM
Subject: FW: Delegation memos moving asap for signature
WA Toxics Del of Authority Letter 04 11 17.doc
WA Toxics Memo AA to Admin 04 11 17.doc
WA Toxics Petition Transmittal Memo OD to AAA 04 11 17.docx
FL Toxics Deleg of Auth DAA To Admin 4 12 2017.docx
FL Toxics Deleg of Auth Letter 4 12 2017.docx
FL Toxics Deleg of Auth OD To DAA 4 12 2017.docx

Erica Fleisig

Physical Scientist, Team Leader

Regional Water Quality Standards Branch, Office of Science and Technology

U.S. Environmental Protection Agency

1200 Pennsylvania Ave, NW (4305T)

Washington, DC 20460

(202) 566-1057 (work)

(202) 566-0409 (fax)

From: Fleisig, Erica
Sent: Tuesday, April 18, 2017 1:45 PM
To: Evalenko, Sandy <Evalenko.Sandy@epa.gov>
Cc: Crk, Tanja <Crk.Tanja@epa.gov>; Ludwig-Monty, Sarah <ludwig-monty.sarah@epa.gov>; Washington, Evelyn <Washington.Evelyn@epa.gov>; Buffo, Corey <buffo.corey@epa.gov>; Jones-Coleman, Diane <Jones-Coleman.Diane@epa.gov>; Christensen, Christina <Christensen.Christina@epa.gov>
Subject: Delegation memos moving asap for signature
Importance: High

Sandy,

I believe Tanja has been in touch with you about the attached delegation memos related to a petition response in Washington. We have used the same format for delegation memos for a petition response in Florida (also attached). Betsy S, OGC and the regions have reviewed these memos, and the draft petition denials.

Ex. 5 - Deliberative Process

Can you please let us know asap if you see any problems with the format of these memos?

Thank you very much!

Erica

Erica Fleisig

Physical Scientist, Team Leader

Regional Water Quality Standards Branch, Office of Science and Technology

U.S. Environmental Protection Agency

1200 Pennsylvania Ave, NW (4305T)

Washington, DC 20460

(202) 566-1057 (work)

(202) 566-0409 (fax)

To: Hansel, Joel[Hansel.Joel@epa.gov]; Chung, Angela[Chung.Angela@epa.gov]; Godfrey, Annie[Godfrey.Annie@epa.gov]; Guzzo, Lindsay[Guzzo.Lindsay@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]; Berol, David[Berol.David@epa.gov]; Fidis, Alexander[Fidis.Alexander@epa.gov]; Baschon, Carol[Baschon.Carol@epa.gov]; Crk, Tanja[Crk.Tanja@epa.gov]; Ludwig-Monty, Sarah[ludwig-monty.sarah@epa.gov]
From: Fleisig, Erica
Sent: Tue 4/18/2017 4:52:20 PM
Subject: RE: Florida and Washington Unreasonable Delay Lawsuits
NWEA petition denial WA toxics 4 18 2017 redline.docx

Ex. 5 - Deliberative Process

Erica Fleisig

Physical Scientist, Team Leader

Regional Water Quality Standards Branch, Office of Science and Technology

U.S. Environmental Protection Agency

1200 Pennsylvania Ave, NW (4305T)

Washington, DC 20460

(202) 566-1057 (work)

(202) 566-0409 (fax)

From: Hansel, Joel

Sent: Tuesday, April 18, 2017 12:38 PM

To: Fleisig, Erica <Fleisig.Erica@epa.gov>; Chung, Angela <Chung.Angela@epa.gov>; Godfrey, Annie <Godfrey.Annie@epa.gov>; Guzzo, Lindsay <Guzzo.Lindsay@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Berol, David <Berol.David@epa.gov>; Fidis, Alexander <Fidis.Alexander@epa.gov>; Baschon, Carol <Baschon.Carol@epa.gov>; Crk, Tanja <Crk.Tanja@epa.gov>; Ludwig-Monty, Sarah <ludwig-monty.sarah@epa.gov>

Subject: RE: Florida and Washington Unreasonable Delay Lawsuits

I have no objections.

Joel

From: Fleisig, Erica

Sent: Tuesday, April 18, 2017 12:35 PM

To: Hansel, Joel <Hansel.Joel@epa.gov>; Chung, Angela <Chung.Angela@epa.gov>; Godfrey, Annie <Godfrey.Annie@epa.gov>; Guzzo, Lindsay <Guzzo.Lindsay@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Berol, David <Berol.David@epa.gov>; Fidis, Alexander <Fidis.Alexander@epa.gov>; Baschon, Carol <Baschon.Carol@epa.gov>; Crk, Tanja <Crk.Tanja@epa.gov>; Ludwig-Monty, Sarah <ludwig-monty.sarah@epa.gov>

Subject: FW: Florida and Washington Unreasonable Delay Lawsuits

Ex. 5 - Deliberative Process

Erica Fleisig

Physical Scientist, Team Leader

Regional Water Quality Standards Branch, Office of Science and Technology

U.S. Environmental Protection Agency

1200 Pennsylvania Ave, NW (4305T)

Washington, DC 20460

(202) 566-1057 (work)

(202) 566-0409 (fax)

From: Southerland, Elizabeth

Sent: Tuesday, April 18, 2017 12:21 PM

To: Fleisig, Erica <Fleisig.Erica@epa.gov>; Buffo, Corey <Buffo.Corey@epa.gov>

Subject: Fwd: Florida and Washington Unreasonable Delay Lawsuits

Sent from my iPhone

Begin forwarded message:

From: "Best-Wong, Benita" <Best-Wong.Benita@epa.gov>
Date: April 18, 2017 at 11:46:54 AM EDT
To: "Southerland, Elizabeth" <Southerland.Elizabeth@epa.gov>, "Hisel-McCoy, Sara" <Hisel-McCoy.Sara@epa.gov>
Subject: FW: Florida and Washington Unreasonable Delay Lawsuits

Ex. 5 - Deliberative Process

Regards,

Benita

Benita Best-Wong

Acting Deputy Assistant Administrator

Office of Water

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

202-566-1159

From: Greenwalt, Sarah
Sent: Tuesday, April 18, 2017 11:44 AM
To: Best-Wong, Benita <Best-Wong.Benita@epa.gov>
Cc: Dravis, Samantha <dravis.samantha@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling,

Carrie <Wehling.Carrie@epa.gov>; Shapiro, Mike <Shapiro.Mike@epa.gov>; Campbell, Ann <Campbell.Ann@epa.gov>; Wagner, Kenneth <wagner.kenneth@epa.gov>
Subject: RE: Florida and Washington Unreasonable Delay Lawsuits

Benita,

Ex. 5 - Attorney Client

Thanks!

Sarah A. Greenwalt

Senior Advisor to the Administrator

for Water and Cross-Cutting Issues

U.S. Environmental Protection Agency

Work: 202-564-1722|Cell: 202-816-1388

Greenwalt.Sarah@epa.gov

From: Best-Wong, Benita

Sent: Friday, April 14, 2017 8:07 AM

To: Greenwalt, Sarah <greenwalt.sarah@epa.gov>

Cc: Dravis, Samantha <dravis.samantha@epa.gov>; Fotouhi, David

<fotouhi.david@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Shapiro, Mike <Shapiro.Mike@epa.gov>; Campbell, Ann <Campbell.Ann@epa.gov>; Wagner, Kenneth <wagner.kenneth@epa.gov>

Subject: Florida and Washington Unreasonable Delay Lawsuits

Sarah,

Ex. 5 - Attorney Client

We'd be happy to answer any questions you have on the litigation/petitions or schedule a briefing for you to provide more details.

Regards,

Benita

Benita Best-Wong

Acting Deputy Assistant Administrator

Office of Water

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

202-566-1159

To: Szelag, Matthew[Szelag.Matthew@epa.gov]
From: Fleisig, Erica
Sent: Tue 9/15/2015 6:29:28 PM
Subject: Fw: NWEA 2013 Petition on WA WQS -- follow up letter

Ex. 5 - Deliberative Process

From: Ford, Peter
Sent: Tuesday, September 15, 2015 1:51 PM
To: Fleisig, Erica; Fabiano, Claudia; Buffo, Corey
Cc: Schroer, Lee; Berol, David
Subject: RE: NWEA 2013 Petition on WA WQS -- follow up letter

Ex. 5 - Attorney Client

Peter Z. Ford
U.S. EPA Office of General Counsel
202.564.5593

From: Fleisig, Erica
Sent: Tuesday, September 15, 2015 12:33 PM
To: Ford, Peter; Fabiano, Claudia; Buffo, Corey
Cc: Schroer, Lee; Berol, David
Subject: Re: NWEA 2013 Petition on WA WQS -- follow up letter

Ex. 5 - Attorney Client

Ex. 5 - Deliberative Process

From: Berol, David

Sent: Friday, September 4, 2015 2:06:14 PM

To: Chung, Angela; Szelag, Matthew; Fleisig, Erica; Fidis, Alexander; Fabiano, Claudia; Buffo, Corey; Hisel-Mccoy, Sara

Cc: Schroer, Lee; Ford, Peter

Subject: FW: NWEA 2013 Petition on WA WQS -- follow up letter

Attorney-Client Privileged; Deliberative

Ex. 5 - Attorney Client

David Berol

U.S. EPA Office of General Counsel

202-564-6873

berol.david@epa.gov

From: Chung, Angela
Sent: Friday, September 04, 2015 1:34 PM
To: Berol, David
Cc: Szelag, Matthew; Fleisig, Erica; Szalay, Endre
Subject: FW: NWEA 2013 Petition on WA WQS -- follow up letter

Hi David,

Ex. 5 - Attorney Client

Angela Chung
Water Quality Standards Unit Manager
U.S. Environmental Protection Agency
1200 Sixth Ave, Suite 900, OWW 191
Seattle, WA 98101
Phone: 206-553-6511

From: Nina Bell [<mailto:nbell@advocates-nwea.org>]
Sent: Monday, August 31, 2015 11:02 AM
To: McLerran, Dennis; Opalski, Dan; Chung, Angela; Behl, Betsy; Hisel-Mccoy, Sara; Southerland, Elizabeth; Kopocis, Ken
Subject: NWEA 2013 Petition on WA WQS -- follow up letter

Please see the attached letter regarding Northwest Environmental Advocates' October 28, 2013 Petition for Rulemaking on Water Quality Criteria for Toxics in the State of Washington sent to Administrator Gina McCarthy today.

Sincerely,

Nina

Nina Bell, J.D., Executive Director

Northwest Environmental Advocates

P.O. Box 12187

Portland, OR 97212-0187

www.NorthwestEnvironmentalAdvocates.org

nbell@advocates-nwea.org

503/295-0490

To: Szelag, Matthew[Szelag.Matthew@epa.gov]
From: Fleisig, Erica
Sent: Tue 9/15/2015 5:49:57 PM
Subject: Re: NWEA 2013 Petition on WA WQS -- follow up letter

Ex. 5 - Deliberative Process

From: Szelag, Matthew
Sent: Tuesday, September 15, 2015 12:34 PM
To: Fleisig, Erica
Subject: RE: NWEA 2013 Petition on WA WQS -- follow up letter

Ex. 5 - Deliberative Process

Matthew Szelag | Water Quality Standards Coordinator
U.S. Environmental Protection Agency | Region 10
1200 6th Avenue, Suite 900, OWW-191 | Seattle, WA 98101
P: (206) 553.5171 | szelag.matthew@epa.gov

From: Fleisig, Erica
Sent: Tuesday, September 15, 2015 9:27 AM
To: Szelag, Matthew
Subject: Re: NWEA 2013 Petition on WA WQS -- follow up letter

Ex. 5 - Deliberative Process

From: Szelag, Matthew
Sent: Monday, September 14, 2015 12:53:01 PM
To: Fleisig, Erica
Subject: FW: NWEA 2013 Petition on WA WQS -- follow up letter

Ex. 5 - Deliberative Process

Matthew Szelag | Water Quality Standards Coordinator
U.S. Environmental Protection Agency | Region 10
1200 6th Avenue, Suite 900, OWW-191 | Seattle, WA 98101
P: (206) 553.5171 | szelag.matthew@epa.gov<mailto:szelag.matthew@epa.gov>

From: Chung, Angela
Sent: Friday, September 11, 2015 5:33 PM

To: Szelag, Matthew
Subject: RE: NWEA 2013 Petition on WA WQS -- follow up letter

Ex. 5 - Deliberative Process

Angela Chung
Water Quality Standards Unit Manager
U.S. Environmental Protection Agency
1200 Sixth Ave, Suite 900, OWW 191
Seattle, WA 98101
Phone: 206-553-6511

From: Berol, David
Sent: Friday, September 04, 2015 11:06 AM
To: Chung, Angela; Szelag, Matthew; Fleisig, Erica; Fidis, Alexander; Fabiano, Claudia; Buffo, Corey; Hisel-McCoy, Sara
Cc: Schroer, Lee; Ford, Peter
Subject: FW: NWEA 2013 Petition on WA WQS -- follow up letter

Attorney-Client Privileged; Deliberative

Ex. 5 - Attorney Client

David Berol
U.S. EPA Office of General Counsel
202-564-6873
berol.david@epa.gov<mailto:berol.david@epa.gov>

From: Chung, Angela
Sent: Friday, September 04, 2015 1:34 PM
To: Berol, David
Cc: Szelag, Matthew; Fleisig, Erica; Szalay, Endre
Subject: FW: NWEA 2013 Petition on WA WQS -- follow up letter

Hi David,

Ex. 5 - Attorney Client

Angela Chung

Water Quality Standards Unit Manager
U.S. Environmental Protection Agency
1200 Sixth Ave, Suite 900, OWW 191
Seattle, WA 98101
Phone: 206-553-6511

From: Nina Bell [mailto:nbell@advocates-nwea.org]
Sent: Monday, August 31, 2015 11:02 AM
To: McLerran, Dennis; Opalski, Dan; Chung, Angela; Behl, Betsy; Hisel-Mccoy, Sara; Southerland, Elizabeth; Kopocis, Ken
Subject: NWEA 2013 Petition on WA WQS -- follow up letter

Please see the attached letter regarding Northwest Environmental Advocates' October 28, 2013 Petition for Rulemaking on Water Quality Criteria for Toxics in the State of Washington sent to Administrator Gina McCarthy today.

Sincerely,

Nina

Nina Bell, J.D., Executive Director
Northwest Environmental Advocates
P.O. Box 12187
Portland, OR 97212-0187
[www.NorthwestEnvironmentalAdvocates.org](http://www.northwestenvironmentaladvocates.org/)<<http://www.northwestenvironmentaladvocates.org/>>
nbell@advocates-nwea.org<<mailto:nbell@advocates-nwea.org>>
503/295-0490

To: Ford, Peter[Ford.Peter@epa.gov]; Fabiano, Claudia[Fabiano.Claudia@epa.gov]; Buffo, Corey[Buffo.Corey@epa.gov]
Cc: Schroer, Lee[schroer.lee@epa.gov]; Berol, David[Berol.David@epa.gov]
From: Fleisig, Erica
Sent: Tue 9/15/2015 4:32:43 PM
Subject: Re: NWEA 2013 Petition on WA WQS -- follow up letter

Ex. 5 - Attorney Client

From: Berol, David
Sent: Friday, September 4, 2015 2:06:14 PM
To: Chung, Angela; Szelag, Matthew; Fleisig, Erica; Fidis, Alexander; Fabiano, Claudia; Buffo, Corey; Hisel-Mccoy, Sara
Cc: Schroer, Lee; Ford, Peter
Subject: FW: NWEA 2013 Petition on WA WQS -- follow up letter

Attorney-Client Privileged; Deliberative

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

David Berol

U.S. EPA Office of General Counsel

202-564-6873

berol.david@epa.gov

From: Chung, Angela

Sent: Friday, September 04, 2015 1:34 PM

To: Berol, David

Cc: Szelag, Matthew; Fleisig, Erica; Szalay, Endre

Subject: FW: NWEA 2013 Petition on WA WQS -- follow up letter

Hi David,

Ex. 5 - Attorney Client

Angela Chung
Water Quality Standards Unit Manager
U.S. Environmental Protection Agency
1200 Sixth Ave, Suite 900, OWW 191
Seattle, WA 98101
Phone: 206-553-6511

From: Nina Bell [<mailto:nbell@advocates-nwea.org>]

Sent: Monday, August 31, 2015 11:02 AM

To: McLerran, Dennis; Opalski, Dan; Chung, Angela; Behl, Betsy; Hisel-McCoy, Sara; Southerland, Elizabeth; Kopocis, Ken

Subject: NWEA 2013 Petition on WA WQS -- follow up letter

Please see the attached letter regarding Northwest Environmental Advocates' October 28, 2013 Petition for Rulemaking on Water Quality Criteria for Toxics in the State of Washington sent to Administrator Gina McCarthy today.

Sincerely,

Nina

Nina Bell, J.D., Executive Director

Northwest Environmental Advocates

P.O. Box 12187

Portland, OR 97212-0187

www.NorthwestEnvironmentalAdvocates.org

nbell@advocates-nwea.org

503/295-0490

To: Szelag, Matthew[Szelag.Matthew@epa.gov]
From: Fleisig, Erica
Sent: Tue 9/15/2015 4:26:46 PM
Subject: Re: NWEA 2013 Petition on WA WQS -- follow up letter

Ex. 5 - Deliberative Process

From: Szelag, Matthew
Sent: Monday, September 14, 2015 12:53:01 PM
To: Fleisig, Erica
Subject: FW: NWEA 2013 Petition on WA WQS -- follow up letter

Hi Erica,

Ex. 5 - Deliberative Process

Matthew Szelag | Water Quality Standards Coordinator

U.S. Environmental Protection Agency | Region 10

1200 6th Avenue, Suite 900, OWW-191 | Seattle, WA 98101

P: (206) 553.5171 | szelag.matthew@epa.gov

From: Chung, Angela
Sent: Friday, September 11, 2015 5:33 PM
To: Szelag, Matthew
Subject: RE: NWEA 2013 Petition on WA WQS -- follow up letter

Ex. 5 - Deliberative Process

Angela Chung
Water Quality Standards Unit Manager
U.S. Environmental Protection Agency
1200 Sixth Ave, Suite 900, OWW 191
Seattle, WA 98101
Phone: 206-553-6511

From: Berol, David
Sent: Friday, September 04, 2015 11:06 AM
To: Chung, Angela; Szelag, Matthew; Fleisig, Erica; Fidis, Alexander; Fabiano, Claudia; Buffo, Corey; Hisel-Mccoy, Sara
Cc: Schroer, Lee; Ford, Peter
Subject: FW: NWEA 2013 Petition on WA WQS -- follow up letter

Attorney-Client Privileged; Deliberative

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

David Berol

U.S. EPA Office of General Counsel

202-564-6873

berol.david@epa.gov

From: Chung, Angela

Sent: Friday, September 04, 2015 1:34 PM

To: Berol, David

Cc: Szelag, Matthew; Fleisig, Erica; Szalay, Endre

Subject: FW: NWEA 2013 Petition on WA WQS -- follow up letter

Hi David,

Ex. 5 - Attorney Client

Angela Chung
Water Quality Standards Unit Manager
U.S. Environmental Protection Agency
1200 Sixth Ave, Suite 900, OWW 191
Seattle, WA 98101
Phone: 206-553-6511

From: Nina Bell [<mailto:nbell@advocates-nwea.org>]

Sent: Monday, August 31, 2015 11:02 AM

To: McLerran, Dennis; Opalski, Dan; Chung, Angela; Behl, Betsy; Hisel-Mccoy, Sara;
Southerland, Elizabeth; Kopocis, Ken
Subject: NWEA 2013 Petition on WA WQS -- follow up letter

Please see the attached letter regarding Northwest Environmental Advocates' October 28, 2013 Petition for Rulemaking on Water Quality Criteria for Toxics in the State of Washington sent to Administrator Gina McCarthy today.

Sincerely,

Nina

Nina Bell, J.D., Executive Director

Northwest Environmental Advocates

P.O. Box 12187

Portland, OR 97212-0187

www.NorthwestEnvironmentalAdvocates.org

nbell@advocates-nwea.org

503/295-0490

To: Fabiano, Claudia[fabiano.claudia@epa.gov]
From: Fleisig, Erica
Sent: Mon 2/22/2016 7:15:45 PM
Subject: FW: follow up letter to NWEA petition re WA WQS
Petition to Update Washington WQS FINAL (3).pdf
Petition follow up letter Aug 31 2015.pdf
Second follow up letter.pdf

Ex. 5 - Deliberative Process

From: Berol, David
Sent: Thursday, February 18, 2016 4:08 PM
To: Szelag, Matthew <Szelag.Matthew@epa.gov>; Fidis, Alexander <Fidis.Alexander@epa.gov>
Cc: Schroer, Lee <schroer.lee@epa.gov>; Fleisig, Erica <Fleisig.Erica@epa.gov>; Buffo, Corey <Buffo.Corey@epa.gov>
Subject: RE: follow up letter to NWEA petition re WA WQS

Attorney-Client Privileged; Deliberative

Matt and Alex –

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

David Berol

U.S. EPA Office of General Counsel

202-564-6873

berol.david@epa.gov

From: Szelag, Matthew

Sent: Friday, February 12, 2016 12:26 PM

To: Fidis, Alexander <Fidis.Alexander@epa.gov>; Berol, David <Berol.David@epa.gov>

Subject: Fw: follow up letter to NWEA petition re WA WQS

Hi Alex and David,

Attached is a second follow up letter we received from NWEA yesterday regarding WA's aquatic life toxics criteria.

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

Thanks,

Matt

From: Opalski, Dan
Sent: Thursday, February 11, 2016 12:29 PM
To: Chung, Angela; Szelag, Matthew
Subject: Fwd: follow up letter to NWEA petition re WA WQS

Sent from my iPhone

Begin forwarded message:

From: "McLerran, Dennis" <mclerran.dennis@epa.gov>
Date: February 11, 2016 at 12:07:35 PM PST
To: "Opalski, Dan" <Opalski.Dan@epa.gov>, "Psyk, Christine" <Psyk.Christine@epa.gov>
Subject: Fwd: follow up letter to NWEA petition re WA WQS

FYI

Sent from my EPA iPhone

Begin forwarded message:

From: "Nina Bell" <nbell@advocates-nwea.org>
To: "McLerran, Dennis" <mclerran.dennis@epa.gov>, "Opalski, Dan" <Opalski.Dan@epa.gov>
Subject: follow up letter to NWEA petition re WA WQS

Nina

Nina Bell, J.D., Executive Director

Northwest Environmental Advocates

P.O. Box 12187

Portland, OR 97212-0187

www.NorthwestEnvironmentalAdvocates.org

nbell@advocates-nwea.org

503/295-0490

To: Fidis, Alexander[Fidis.Alexander@epa.gov]; Berol, David[Berol.David@epa.gov]; Szelag, Matthew[Szelag.Matthew@epa.gov]
Cc: Schroer, Lee[schroer.lee@epa.gov]; Buffo, Corey[Buffo.Corey@epa.gov]
From: Fleisig, Erica
Sent: Thur 2/18/2016 11:04:51 PM
Subject: RE: follow up letter to NWEA petition re WA WQS

Ex. 5 - Attorney Client

From: Fidis, Alexander
Sent: Thursday, February 18, 2016 5:41 PM
To: Berol, David <Berol.David@epa.gov>; Szelag, Matthew <Szelag.Matthew@epa.gov>
Cc: Schroer, Lee <schroer.lee@epa.gov>; Fleisig, Erica <Fleisig.Erica@epa.gov>; Buffo, Corey <Buffo.Corey@epa.gov>
Subject: RE: follow up letter to NWEA petition re WA WQS

Ex. 5 - Attorney Client

From: Berol, David
Sent: Thursday, February 18, 2016 1:08 PM
To: Szelag, Matthew <Szelag.Matthew@epa.gov>; Fidis, Alexander <Fidis.Alexander@epa.gov>
Cc: Schroer, Lee <schroer.lee@epa.gov>; Fleisig, Erica <Fleisig.Erica@epa.gov>; Buffo, Corey <Buffo.Corey@epa.gov>
Subject: RE: follow up letter to NWEA petition re WA WQS

Attorney-Client Privileged; Deliberative

Matt and Alex –

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

David Berol

U.S. EPA Office of General Counsel

202-564-6873

berol.david@epa.gov

From: Szelag, Matthew

Sent: Friday, February 12, 2016 12:26 PM

To: Fidis, Alexander <Fidis.Alexander@epa.gov>; Berol, David <Berol.David@epa.gov>

Subject: Fw: follow up letter to NWEA petition re WA WQS

Hi Alex and David,

Attached is a second follow up letter we received from NWEA yesterday regarding WA's aquatic life toxics criteria.

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

Thanks,
Matt

From: Opalski, Dan
Sent: Thursday, February 11, 2016 12:29 PM
To: Chung, Angela; Szelag, Matthew
Subject: Fwd: follow up letter to NWEA petition re WA WQS

Sent from my iPhone

Begin forwarded message:

From: "McLerran, Dennis" <mclerran.dennis@epa.gov>
Date: February 11, 2016 at 12:07:35 PM PST
To: "Opalski, Dan" <Opalski.Dan@epa.gov>, "Psyk, Christine" <Psyk.Christine@epa.gov>
Subject: Fwd: follow up letter to NWEA petition re WA WQS

FYI

Sent from my EPA iPhone

Begin forwarded message:

From: "Nina Bell" <nbell@advocates-nwea.org>
To: "McLerran, Dennis" <mclerran.dennis@epa.gov>, "Opalski, Dan" <Opalski.Dan@epa.gov>
Subject: follow up letter to NWEA petition re WA WQS

Nina

Nina Bell, J.D., Executive Director

Northwest Environmental Advocates

P.O. Box 12187

Portland, OR 97212-0187

www.NorthwestEnvironmentalAdvocates.org

nbell@advocates-nwea.org

503/295-0490

From: Fleisig, Erica
Location: HQ-Room-WJCW-6124-50pp
Importance: Normal
Subject: FW: WA Toxic Criteria and AWB Petitions
Start Date/Time: Tue 3/7/2017 6:00:00 PM
End Date/Time: Tue 3/7/2017 7:00:00 PM
[NWEA v EPA Complaint Feb 21 2017.pdf](#)
[NWEA petition response.pdf](#)
[2017-02-15 WTR Petition for Rulemaking FINAL.PDF](#)
[New CWA Unreasonable Delay Lawsuit to Respond to Administrative Petition Regarding Washington WQS](#)

-----Original Appointment-----

From: Crk, Tanja
Sent: Wednesday, February 22, 2017 4:28 PM
To: Crk, Tanja; Chung, Angela; Szelag, Matthew; Guzzo, Lindsay; Szalay, Endre; Steiner-Riley, Cara; Fleisig, Erica; Fidis, Alexander; Buffo, Corey; Berol, David; Ford, Peter
Cc: Schroer, Lee
Subject: WA Toxic Criteria and AWB Petitions
When: Tuesday, March 07, 2017 1:00 PM-2:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: HQ-Room-WJCW-6124-50pp

Ex. 5 - Deliberative Process

To: Szelag, Matthew[Szelag.Matthew@epa.gov]
From: Fleisig, Erica
Sent: Mon 3/6/2017 5:37:26 PM
Subject: RE: WA Toxic Criteria and AWB Petitions

I should be able to look later today, but I thought they weren't updated with the second ID BiOp we received, right?

From: Szelag, Matthew
Sent: Monday, March 06, 2017 12:36 PM
To: Fleisig, Erica <Fleisig.Erica@epa.gov>
Subject: RE: WA Toxic Criteria and AWB Petitions

I'm thinking we send around the one we shared with NWEA since that one has been double and triple checked. What do you think? The other one I sent that was I believe the same version, with some added color coding, so that could work to.

Matthew Szelag | Water Quality Standards Coordinator

U.S. Environmental Protection Agency | Region 10

222 W 7th Avenue, #19 | Anchorage, AK 99513

P: (907) 271.1208 | szelag.matthew@epa.gov

From: Fleisig, Erica
Sent: Sunday, March 05, 2017 7:45 PM
To: Berol, David <Berol.David@epa.gov>; Crk, Tanja <Crk.Tanja@epa.gov>; Chung, Angela <Chung.Angela@epa.gov>; Szelag, Matthew <Szelag.Matthew@epa.gov>; Guzzo, Lindsay <Guzzo.Lindsay@epa.gov>; Szalay, Endre <Szalay.Endre@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Fidis, Alexander <Fidis.Alexander@epa.gov>; Buffo, Corey <Buffo.Corey@epa.gov>; Ford, Peter <Ford.Peter@epa.gov>
Cc: Schroer, Lee <schroer.lee@epa.gov>
Subject: RE: WA Toxic Criteria and AWB Petitions

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

-Erica

From: Berol, David

Sent: Friday, March 03, 2017 3:35 PM

To: Crk, Tanja <Crk.Tanja@epa.gov>; Chung, Angela <Chung.Angela@epa.gov>; Szelag, Matthew <Szelag.Matthew@epa.gov>; Guzzo, Lindsay <Guzzo.Lindsay@epa.gov>; Szalay, Endre <Szalay.Endre@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Fleisig, Erica <Fleisig.Erica@epa.gov>; Fidis, Alexander <Fidis.Alexander@epa.gov>; Buffo, Corey <Buffo.Corey@epa.gov>; Ford, Peter <Ford.Peter@epa.gov>

Cc: Schroer, Lee <schroer.lee@epa.gov>

Subject: RE: WA Toxic Criteria and AWB Petitions

Attorney-Client Privileged; Deliberative

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

David Berol

U.S. EPA Office of General Counsel

202-564-6873

berol.david@epa.gov

-----Original Appointment-----

From: Crk, Tanja

Sent: Thursday, February 23, 2017 9:59 AM

To: Crk, Tanja; Chung, Angela; Szelag, Matthew; Guzzo, Lindsay; Szalay, Endre; Steiner-Riley, Cara; Fleisig, Erica; Fidis, Alexander; Buffo, Corey; Berol, David; Ford, Peter

Cc: Schroer, Lee

Subject: WA Toxic Criteria and AWB Petitions

When: Tuesday, March 07, 2017 1:00 PM-2:00 PM (UTC-05:00) Eastern Time (US & Canada).

Where: HQ-Room-WJCW-6124-50pp

Ex. 5 - Deliberative Process

Note that this is an EPA (internal) meeting for staff and BCs to discuss two petitions: 1) the complaint by NWEA regarding EPA's response (or failure to respond) to the NWEA petition to update the WQC for toxics in WA and includes a no action reference on arsenic, dioxin, and thallium; and 2) the AWB petition to withdraw the federal rule in WA.

Ex. 5 - Deliberative Process

Agenda

1. Discuss the WA petition from NWEA

[NWEA petition response.pdf](#)

Response to NWEA May 2016. Is there an email record of sending this petition response to Nina?



2. Discuss the AWB petition



To: Buffo, Corey[Buffo.Corey@epa.gov]; Ford, Peter[Ford.Peter@epa.gov]
Cc: Szelag, Matthew[Szelag.Matthew@epa.gov]; Fabiano, Claudia[Fabiano.Claudia@epa.gov]
From: Fleisig, Erica
Sent: Mon 11/16/2015 10:12:08 PM
Subject: FW: Petition For Revision of Alaska's Fish Consumption Rate
Final Draft FCR Petition to EPA.pdf
Petition follow up letter Aug 31 2015.pdf

Corey and Pete,

Ex. 5 - Deliberative Process

-Erica

From: Szelag, Matthew
Sent: Friday, November 13, 2015 7:59 PM
To: Fleisig, Erica <Fleisig.Erica@epa.gov>; Fabiano, Claudia <Fabiano.Claudia@epa.gov>
Subject: FW: Petition For Revision of Alaska's Fish Consumption Rate

Hi Erica and Claudia,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thoughts? Thanks,

Matthew Szelag | Water Quality Standards Coordinator

U.S. Environmental Protection Agency | Region 10

1200 6th Avenue, Suite 900, OWW-191 | Seattle, WA 98101

P: (206) 553.5171 | szelag.matthew@epa.gov

From: Chung, Angela

Sent: Thursday, November 12, 2015 1:48 PM

To: Szelag, Matthew <Szelag.Matthew@epa.gov>; Kissinger, Lon <Kissinger.Lon@epa.gov>; Macchio, Lisa <Macchio.Lisa@epa.gov>; Fleisig, Erica <Fleisig.Erica@epa.gov>

Subject: Fwd: Petition For Revision of Alaska's Fish Consumption Rate

FYI, we met Guy at the Alaska HHC workshop.

Sent from my iPhone

Begin forwarded message:

From: "McLerran, Dennis" <mclerran.dennis@epa.gov>

Date: November 12, 2015 at 1:26:58 PM PST

To: "Opalski, Dan" <Opalski.Dan@epa.gov>, "Chung, Angela" <Chung.Angela@epa.gov>

Cc: "Pirzadeh, Michelle" <Pirzadeh.Michelle@epa.gov>, "Dunbar, Bill" <dunbar.bill@epa.gov>, "Woods, Jim" <Woods.Jim@epa.gov>, "Holsman, Marianne" <Holsman.Marianne@epa.gov>

Subject: FW: Petition For Revision of Alaska's Fish Consumption Rate

From: Guy Archibald [<mailto:guy@seacc.org>]

Sent: Thursday, November 12, 2015 1:18 PM

To: McLerran, Dennis <mclerran.dennis@epa.gov>

Subject: Petition For Revision of Alaska's Fish Consumption Rate

Hello Director McLerran,

Please see the attached letter regarding our petition for revision of Alaska's fish consumption rate.

Sincerely,

Guy Archibald
Mining and Clean Water Coordinator

Ex. 6 - Personal Privacy

www.seacc.org

To: Fotouhi, David[fotouhi.david@epa.gov]
Cc: Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]; Berol, David[Berol.David@epa.gov]; Ford, Peter[Ford.Peter@epa.gov]
From: Schroer, Lee
Sent: Mon 5/1/2017 9:08:30 PM
Subject: Requesting Front Office Authorization for Water Law Office to Concur on behalf of OGC on two Administrator Delegations
[FL Toxics Deleg of Auth Letter_4 20 2017.docx](#)
[WA Toxics Del of Authority Letter_4 20 2017.doc](#)
[WASHINGTON One-Time Delegation re WQ Toxics_04-27-17.pdf](#)
[FLORIDA One Time Delegation Pkg re WQ Toxics_04-27-17.pdf](#)

David,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Please let me know if you have any questions.

Lee C. Schroer

Office of General Counsel (Mail Code 2355A)

Room 7518C William Jefferson Clinton Bldg North

Environmental Protection Agency

1200 Pennsylvania Avenue, N.W.

Washington, D.C. 20460

Tel: 202-564-5476

From: Fleisig, Erica

Sent: Friday, April 28, 2017 12:12 PM

To: Berol, David <Berol.David@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>

Cc: Crk, Tanja <Crk.Tanja@epa.gov>; Ludwig-Monty, Sarah <ludwig-monty.sarah@epa.gov>; Schroer, Lee <schroer.lee@epa.gov>; Buffo, Corey <Buffo.Corey@epa.gov>

Subject: Need OGC concurrence on FL and WA petition delegations

Importance: High

Sorry for the urgent request, but it looks like we need OGC concurrence on these delegations. I know you guys already reviewed, but can you please formally concur? I've attached the latest versions, including the memos that Mike signed.

Thank you!

Erica

Erica Fleisig

Physical Scientist, Team Leader

Regional Water Quality Standards Branch, Office of Science and Technology

U.S. Environmental Protection Agency

1200 Pennsylvania Ave, NW (4305T)

Washington, DC 20460

(202) 566-1057 (work)

(202) 566-0409 (fax)

From: Evalenko, Sandy

Sent: Friday, April 28, 2017 12:07 PM

To: Fleisig, Erica <Fleisig.Erica@epa.gov>

Cc: Crk, Tanja <Crk.Tanja@epa.gov>; Ludwig-Monty, Sarah <ludwig-monty.sarah@epa.gov>; Washington, Evelyn <Washington.Evelyn@epa.gov>; Buffo, Corey <Buffo.Corey@epa.gov>; Jones-Coleman, Diane <Jones-Coleman.Diane@epa.gov>; Christensen, Christina <Christensen.Christina@epa.gov>; Lousberg, Macara <Lousberg.Macara@epa.gov>

Subject: Delegation memos moving asap for signature

Erica: I forgot to ask for an OGC concurrence for both delegations. It may have been in the package but I don't have it. A separate email from the OGC attorney is good for each. Deborah Ward-Beard (OARM) will begin to process these. She cannot move them until we have concurrences. Please send the OGC concurrences to both me and Diane Jones-Coleman.

Thanks

Sandy

To: Ford, Peter[Ford.Peter@epa.gov]; Morris, Cynthia (ENRD)[C.J.Morris@usdoj.gov]; Cohon, Keith[Cohon.Keith@epa.gov]
Cc: Chung, Angela[Chung.Angela@epa.gov]; Schroer, Lee[schroer.lee@epa.gov]
From: Szelag, Matthew
Sent: Fri 3/21/2014 8:03:44 PM
Subject: RE: Petition to EPA Administrator -- WA toxics

Pete, I just wanted to clarify that the petition came in last October. I know this is further down the list of priorities right now, so we can discuss later. Thanks for this background on the Gulf case.

Thanks,

Matthew Szelag | Water Quality Standards Coordinator

U.S. Environmental Protection Agency | Region 10

1200 6th Avenue, Suite 900, OWW-131 | Seattle, WA 98101

P: (206) 553.5171 | szelag.matthew@epa.gov

From: Ford, Peter
Sent: Friday, March 21, 2014 9:00 AM
To: Szelag, Matthew; Morris, Cynthia (ENRD); Cohon, Keith
Cc: Chung, Angela; Schroer, Lee
Subject: RE: Petition to EPA Administrator -- WA toxics

Ex. 5 - Attorney Client

Peter Z. Ford

U.S. EPA Office of General Counsel

202.564.5593

From: Szelag, Matthew
Sent: Friday, March 21, 2014 11:28 AM
To: Morris, Cynthia (ENRD); Ford, Peter; Cohon, Keith
Cc: Chung, Angela
Subject: RE: Petition to EPA Administrator -- WA toxics

If you want to cite NWEA's website you can find the petition here:
<http://northwestenvironmentaladvocates.org/2013/10/washington-water-quality-standards/>

Ex. 5 - Attorney Client

Thanks,

Matthew Szelag | Water Quality Standards Coordinator

U.S. Environmental Protection Agency | Region 10

1200 6th Avenue, Suite 900, OWW-131 | Seattle, WA 98101

P: (206) 553.5171 | szelag.matthew@epa.gov

From: Morris, Cynthia (ENRD) [<mailto:C.J.Morris@usdoj.gov>]

Sent: Thursday, March 20, 2014 7:59 PM
To: Ford, Peter; Cohon, Keith; Szelag, Matthew
Subject: RE: Petition to EPA Administrator -- WA toxics

Is there a website or other source I can cite for the NWEA Petition? I would hate to have to attach the whole thing as an exhibit. I would also like to avoid having it added to one of the Declarations. Any public record?

From: Ford, Peter [<mailto:Ford.Peter@epa.gov>]
Sent: Thursday, March 20, 2014 9:08 PM
To: Cohon, Keith; Morris, Cynthia (ENRD); Szelag, Matthew
Subject: RE: Petition to EPA Administrator -- WA toxics

Ex. 5 - Attorney Client

Peter Z. Ford

U.S. EPA Office of General Counsel

202.564.5593

From: Cohon, Keith
Sent: Thursday, March 20, 2014 4:58 PM
To: Morris, Cynthia (ENRD); Szelag, Matthew; Ford, Peter
Subject: RE: Petition to EPA Administrator -- WA toxics

Right and right. Right Pete?

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

Keith

From: Morris, Cynthia (ENRD) [<mailto:C.J.Morris@usdoj.gov>]
Sent: Thursday, March 20, 2014 12:46 PM
To: Cohon, Keith; Szelag, Matthew; Ford, Peter
Subject: RE: Petition to EPA Administrator -- WA toxics

Ex. 5 - Attorney Client

From: Cohon, Keith [<mailto:Cohon.Keith@epa.gov>]
Sent: Thursday, March 20, 2014 3:44 PM
To: Szelag, Matthew; Ford, Peter; Morris, Cynthia (ENRD)
Subject: RE: Petition to EPA Administrator -- WA toxics

Ex. 5 - Attorney Client

From: Szelag, Matthew
Sent: Thursday, March 20, 2014 11:30 AM
To: Cohon, Keith; Ford, Peter; Morris, Cynthia (ENRD)
Subject: FW: Petition to EPA Administrator -- WA toxics

Keith requested I send you this petition. It includes a request both for WA's aquatic life and human health criteria.

Matthew Szelag | Water Quality Standards Coordinator

U.S. Environmental Protection Agency | Region 10

1200 6th Avenue, Suite 900, OWW-131 | Seattle, WA 98101

P: (206) 553.5171 | szelag.matthew@epa.gov

From: Nina Bell [<mailto:nbell@advocates-nwea.org>]

Sent: Monday, October 28, 2013 10:18 AM

To: Opalski, Dan; Psyk, Christine; Chung, Angela

Cc: Szelag, Matthew

Subject: Petition to EPA Administrator -- WA toxics

Dan, Christine, and Angela:

Please find attached the petition to Administrator McCarthy regarding Washington's toxic criteria.

Nina

Nina Bell, J.D., Executive Director

Northwest Environmental Advocates

P.O. Box 12187

Portland, OR 97212-0187

www.NorthwestEnvironmentalAdvocates.org

nbell@advocates-nwea.org

503/295-0490

To: Berol, David[Berol.David@epa.gov]; Neugeboren, Steven[Neugeboren.Steven@epa.gov]
Cc: Ford, Peter[Ford.Peter@epa.gov]
From: Schroer, Lee
Sent: Fri 5/26/2017 4:19:50 PM
Subject: RE: Temporary Delegation of Authority - Northwest Environmental Advocates -- one final correction on page 6
NWEA petition denial WA toxics 5 26 2017 clean.OGC.docx

David – I reviewed. You are authorized to concur for OGC. Point out to them there is one correction on page 6 of the attached.

Lee C. Schroer

Office of General Counsel (Mail Code 2355A)

Room 7518C William Jefferson Clinton Bldg North

Environmental Protection Agency

1200 Pennsylvania Avenue, N.W.

Washington, D.C. 20460

Tel: 202-564-5476

From: Berol, David
Sent: Friday, May 26, 2017 12:08 PM
To: Schroer, Lee <schroer.lee@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Cc: Ford, Peter <Ford.Peter@epa.gov>
Subject: FW: Temporary Delegation of Authority - Northwest Environmental Advocates

Steve and Lee --

OW is seeking OGC concurrence on the attached petition for rulemaking on Washington WQS. They have incorporated all the edits OGC suggested in prior comments. Please let me know if I am authorized to concur on behalf of OGC.

David Berol

U.S. EPA Office of General Counsel

202-564-6873

berol.david@epa.gov

From: Crk, Tanja

Sent: Friday, May 26, 2017 11:48 AM

To: Fleisig, Erica <Fleisig.Erica@epa.gov>; Berol, David <Berol.David@epa.gov>; Chung, Angela <Chung.Angela@epa.gov>; Buffo, Corey <Buffo.Corey@epa.gov>

Cc: Szelag, Matthew <Szelag.Matthew@epa.gov>; Fidis, Alexander <Fidis.Alexander@epa.gov>; Schroer, Lee <schroer.lee@epa.gov>

Subject: RE: Temporary Delegation of Authority - Northwest Environmental Advocates

Hello all,

The clean copy is attached for OGC concurrence.

Regards,

Tanja

From: Fleisig, Erica

Sent: Friday, May 26, 2017 10:52 AM

To: Berol, David <Berol.David@epa.gov>; Chung, Angela <Chung.Angela@epa.gov>; Buffo, Corey <Buffo.Corey@epa.gov>

Cc: Szelag, Matthew <Szelag.Matthew@epa.gov>; Crk, Tanja <Crk.Tanja@epa.gov>; Fidis, Alexander <Fidis.Alexander@epa.gov>; Schroer, Lee <schroer.lee@epa.gov>

Subject: RE: Temporary Delegation of Authority - Northwest Environmental Advocates

Looks good to me too. Tanja will send around a clean copy shortly. Thanks!

Erica Fleisig

Physical Scientist, Team Leader

Regional Water Quality Standards Branch, Office of Science and Technology

U.S. Environmental Protection Agency

1200 Pennsylvania Ave, NW (4305T)

Washington, DC 20460

(202) 566-1057 (work)

(202) 566-0409 (fax)

From: Berol, David

Sent: Friday, May 26, 2017 9:21 AM

To: Chung, Angela <Chung.Angela@epa.gov>; Fleisig, Erica <Fleisig.Erica@epa.gov>; Buffo, Corey <Buffo.Corey@epa.gov>

Cc: Szelag, Matthew <Szelag.Matthew@epa.gov>; Crk, Tanja <Crk.Tanja@epa.gov>; Fidis, Alexander <Fidis.Alexander@epa.gov>; Schroer, Lee <schroer.lee@epa.gov>

Subject: RE: Temporary Delegation of Authority - Northwest Environmental Advocates

All –

Here are final suggested edits from OGC. If these edits are acceptable to EPA, Erica, would you please send me back a clean final copy?

I don't think it will take long to authorize an OGC concurrence, but Lee thought it would be best to do the concurrence on a clean document.

David Berol

U.S. EPA Office of General Counsel

202-564-6873

berol.david@epa.gov

To: Schroer, Lee[schroer.lee@epa.gov]; Neugeboren, Steven[Neugeboren.Steven@epa.gov]
Cc: Ford, Peter[Ford.Peter@epa.gov]
From: Berol, David
Sent: Fri 5/26/2017 4:08:09 PM
Subject: FW: Temporary Delegation of Authority - Northwest Environmental Advocates
NWEA petition denial WA toxics 5 26 2017 clean.docx

Steve and Lee --

OW is seeking OGC concurrence on the attached petition for rulemaking on Washington WQS. They have incorporated all the edits OGC suggested in prior comments. Please let me know if I am authorized to concur on behalf of OGC.

David Berol

U.S. EPA Office of General Counsel

202-564-6873

berol.david@epa.gov

From: Crk, Tanja
Sent: Friday, May 26, 2017 11:48 AM
To: Fleisig, Erica <Fleisig.Erica@epa.gov>; Berol, David <Berol.David@epa.gov>; Chung, Angela <Chung.Angela@epa.gov>; Buffo, Corey <Buffo.Corey@epa.gov>
Cc: Szelag, Matthew <Szelag.Matthew@epa.gov>; Fidis, Alexander <Fidis.Alexander@epa.gov>; Schroer, Lee <schroer.lee@epa.gov>
Subject: RE: Temporary Delegation of Authority - Northwest Environmental Advocates

Hello all,

The clean copy is attached for OGC concurrence.

Regards,

Tanja

From: Fleisig, Erica

Sent: Friday, May 26, 2017 10:52 AM

To: Berol, David <Berol.David@epa.gov>; Chung, Angela <Chung.Angela@epa.gov>; Buffo, Corey <Buffo.Corey@epa.gov>

Cc: Szelag, Matthew <Szelag.Matthew@epa.gov>; Crk, Tanja <Crk.Tanja@epa.gov>; Fidis, Alexander <Fidis.Alexander@epa.gov>; Schroer, Lee <schroer.lee@epa.gov>

Subject: RE: Temporary Delegation of Authority - Northwest Environmental Advocates

Looks good to me too. Tanja will send around a clean copy shortly. Thanks!

Erica Fleisig

Physical Scientist, Team Leader

Regional Water Quality Standards Branch, Office of Science and Technology

U.S. Environmental Protection Agency

1200 Pennsylvania Ave, NW (4305T)

Washington, DC 20460

(202) 566-1057 (work)

(202) 566-0409 (fax)

From: Berol, David

Sent: Friday, May 26, 2017 9:21 AM

To: Chung, Angela <Chung.Angela@epa.gov>; Fleisig, Erica <Fleisig.Erica@epa.gov>; Buffo, Corey <Buffo.Corey@epa.gov>

Cc: Szelag, Matthew <Szelag.Matthew@epa.gov>; Crk, Tanja <Crk.Tanja@epa.gov>; Fidis, Alexander <Fidis.Alexander@epa.gov>; Schroer, Lee <schroer.lee@epa.gov>

Subject: RE: Temporary Delegation of Authority - Northwest Environmental Advocates

All –

Here are final suggested edits from OGC. If these edits are acceptable to EPA, Erica, would you please send me back a clean final copy?

I don't think it will take long to authorize an OGC concurrence, but Lee thought it would be best to do the concurrence on a clean document.

David Berol

U.S. EPA Office of General Counsel

202-564-6873

berol.david@epa.gov

To: Ford, Peter[Ford.Peter@epa.gov]
From: Szalay, Endre
Sent: Tue 2/21/2017 9:38:13 PM
Subject: RE: WA toxic criteria petition

Ex. 5 - Attorney Client

Endre Szalay

US EPA Region 10

Office of Regional Counsel

206-553-1073

From: Ford, Peter
Sent: Tuesday, February 21, 2017 1:33 PM
To: Szalay, Endre <Szalay.Endre@epa.gov>
Subject: RE: WA toxic criteria petition

Hey, is this a new case, and if so, is it related to our HHC rule? I'm transferring out of WQS except for the ME/WA/ID tribal stuff. Thanks, man.

Peter Z. Ford

U.S. EPA Office of General Counsel

202.564.5593

From: Szalay, Endre
Sent: Tuesday, February 21, 2017 3:24 PM
To: Ford, Peter <Ford.Peter@epa.gov>
Subject: FW: WA toxic criteria petition

You might have seen this already, but forwarding just in case.

Endre Szalay

US EPA Region 10

Office of Regional Counsel

206-553-1073

From: Chung, Angela
Sent: Tuesday, February 21, 2017 11:31 AM
To: Szelag, Matthew <Szelag.Matthew@epa.gov>; Guzzo, Lindsay <Guzzo.Lindsay@epa.gov>; Fidis, Alexander <Fidis.Alexander@epa.gov>; Szalay, Endre <Szalay.Endre@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Fleisig, Erica <Fleisig.Erica@epa.gov>; Crk, Tanja <Crk.Tanja@epa.gov>; Buffo, Corey <Buffo.Corey@epa.gov>
Subject: Fwd: WA toxic criteria petition

FYI

Sent from my iPhone

Begin forwarded message:

From: "Nina Bell" <nbell@advocates-nwea.org>
Date: February 21, 2017 at 11:23:02 AM PST
To: <Chung.angela@Epamail.epa.gov>
Subject: WA toxic criteria petition

Reply-To: <nbell@advocates-nwea.org>

We filed the attached case today.

Nina Bell, J.D., Executive Director

Northwest Environmental Advocates

P.O. Box 12187

Portland, OR 97212

nbell@advocates-nwea.org

NorthwestEnvironmentalAdvocates.org

503/295-0490

To: Ford, Peter[Ford.Peter@epa.gov]
From: Szalay, Endre
Sent: Tue 2/21/2017 8:27:36 PM
Subject: FW: NWEA letter re WA toxic criteria
NWEA response to EPA May 4 2016 letter.pdf

Related to NWEA's complaint re failure to grant/deny the petition

Endre Szalay

US EPA Region 10

Office of Regional Counsel

206-553-1073

From: Chung, Angela
Sent: Tuesday, February 21, 2017 12:09 PM
To: Crk, Tanja <Crk.Tanja@epa.gov>; Fleisig, Erica <Fleisig.Erica@epa.gov>; Buffo, Corey <Buffo.Corey@epa.gov>; Szelag, Matthew <Szelag.Matthew@epa.gov>; Guzzo, Lindsay <Guzzo.Lindsay@epa.gov>; Fidis, Alexander <Fidis.Alexander@epa.gov>; Szalay, Endre <Szalay.Endre@epa.gov>
Subject: FW: NWEA letter re WA toxic criteria

FYI

Angela Chung
Water Quality Standards Unit Manager
U.S. Environmental Protection Agency
1200 Sixth Ave, Suite 900, OWW 191
Seattle, WA 98101
Phone: 206-553-6511

From: Nina Bell [<mailto:nbell@advocates-nwea.org>]
Sent: Tuesday, February 21, 2017 12:07 PM
To: Hisel-McCoy, Sara <Hisel-McCoy.Sara@epa.gov>
Cc: Chung, Angela <Chung.Angela@epa.gov>; Psyk, Christine <Psyk.Christine@epa.gov>

Subject: NWEA letter re WA toxic criteria

Nina Bell, J.D., Executive Director

Northwest Environmental Advocates

P.O. Box 12187

Portland, OR 97212

nbell@advocates-nwea.org

NorthwestEnvironmentalAdvocates.org

503/295-0490

To: Ford, Peter[Ford.Peter@epa.gov]
From: Szalay, Endre
Sent: Tue 2/21/2017 8:23:48 PM
Subject: FW: WA toxic criteria petition
[NWEA v EPA Complaint Feb 21 2017.pdf](#)
[ATT00001.htm](#)

You might have seen this already, but forwarding just in case.

Endre Szalay

US EPA Region 10

Office of Regional Counsel

206-553-1073

From: Chung, Angela
Sent: Tuesday, February 21, 2017 11:31 AM
To: Szclag, Matthew <Szclag.Matthew@epa.gov>; Guzzo, Lindsay <Guzzo.Lindsay@epa.gov>; Fidis, Alexander <Fidis.Alexander@epa.gov>; Szalay, Endre <Szalay.Endre@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Fleisig, Erica <Fleisig.Erica@epa.gov>; Crk, Tanja <Crk.Tanja@epa.gov>; Buffo, Corey <Buffo.Corey@epa.gov>
Subject: Fwd: WA toxic criteria petition

FYI

Sent from my iPhone

Begin forwarded message:

From: "Nina Bell" <nbell@advocates-nwea.org>
Date: February 21, 2017 at 11:23:02 AM PST
To: <Chung.angela@Epamail.epa.gov>
Subject: WA toxic criteria petition
Reply-To: <nbell@advocates-nwea.org>

We filed the attached case today.

Nina Bell, J.D., Executive Director

Northwest Environmental Advocates

P.O. Box 12187

Portland, OR 97212

nbell@advocates-nwea.org

NorthwestEnvironmentalAdvocates.org

503/295-0490

To: Cohon, Keith[Cohon.Keith@epa.gov]; Ford, Peter[Ford.Peter@epa.gov]; Morris, Cynthia (ENRD)[C.J.Morris@usdoj.gov]
From: Szelag, Matthew
Sent: Thur 3/20/2014 6:30:25 PM
Subject: FW: Petition to EPA Administrator -- WA toxics
Petition to Update Washington WQS FINAL.pdf
Petition cover letter.pdf

Keith requested I send you this petition. It includes a request both for WA's aquatic life and human health criteria.

Matthew Szelag | Water Quality Standards Coordinator

U.S. Environmental Protection Agency | Region 10

1200 6th Avenue, Suite 900, OWW-131 | Seattle, WA 98101

P: (206) 553.5171 | szelag.matthew@epa.gov

From: Nina Bell [mailto:nbell@advocates-nwea.org]
Sent: Monday, October 28, 2013 10:18 AM
To: Opalski, Dan; Psyk, Christine; Chung, Angela
Cc: Szelag, Matthew
Subject: Petition to EPA Administrator -- WA toxics

Dan, Christine, and Angela:

Please find attached the petition to Administrator McCarthy regarding Washington's toxic criteria.

Nina

Nina Bell, J.D., Executive Director

Northwest Environmental Advocates

P.O. Box 12187

Portland, OR 97212-0187

www.NorthwestEnvironmentalAdvocates.org

nbell@advocates-nwea.org

503/295-0490

To: Szalay, Endre[Szalay.Endre@epa.gov]
From: Szelag, Matthew
Sent: Thur 2/23/2017 7:51:50 PM
Subject: RE: Seeking comment on suit against EPA over Washington water toxin standards

Jinx!

From: Szalay, Endre
Sent: Thursday, February 23, 2017 10:51 AM
To: MacIntyre, Mark <Macintyre.Mark@epa.gov>; Chung, Angela <Chung.Angela@epa.gov>; Szelag, Matthew <Szelag.Matthew@epa.gov>
Cc: Psyk, Christine <Psyk.Christine@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; Fidis, Alexander <Fidis.Alexander@epa.gov>
Subject: RE: Seeking comment on suit against EPA over Washington water toxin standards

She's asking about the complaint filed by NWEA, attached. They filed a petition in 2013 under the APA for rulemaking related to WA WQS. On February 21, 2017, they filed a complaint alleging EPA failed to timely respond (i.e., grant or deny the petition).

cc-ing Alex.

Endre Szalay

US EPA Region 10

Office of Regional Counsel

206-553-1073

From: MacIntyre, Mark
Sent: Thursday, February 23, 2017 11:37 AM
To: Chung, Angela <Chung.Angela@epa.gov>; Szelag, Matthew <Szelag.Matthew@epa.gov>; Szalay, Endre <Szalay.Endre@epa.gov>
Cc: Psyk, Christine <Psyk.Christine@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>
Subject: FW: Seeking comment on suit against EPA over Washington water toxin standards

Can you guys help me untangle this question....didn't we just get the petition? Did they sue us simultaneously?

Need you help.

From: Sophia Morris [<mailto:sophia.morris@law360.com>]

Sent: Thursday, February 23, 2017 10:30 AM

To: MacIntyre, Mark <Macintyre.Mark@epa.gov>

Subject: Seeking comment on suit against EPA over Washington water toxin standards

Hi Mark,

My name is Sophia Morris, and I'm a reporter with Law360. I was looking to get a comment from the agency on a lawsuit filed on Tuesday that claims the EPA failed to respond to a petition to update Washington state's water toxin standards.

Thanks in advance,

Sophia

--

Sophia Morris

News Apprentice

Legal News & Data

860 Broadway, 6th Floor

New York, NY 10003

646783-7172

To: Chung, Angela[Chung.Angela@epa.gov]
From: Szelag, Matthew
Sent: Thur 9/17/2015 7:56:13 PM
Subject: FW: NWEA 2013 Petition on WA WQS -- follow up letter
Petition follow up letter Aug 31 2015.pdf

New NWEA petition is dated August 31, 2015. First petition came in October 28, 2013.

Matthew Szelag | Water Quality Standards Coordinator

U.S. Environmental Protection Agency | Region 10

1200 6th Avenue, Suite 900, OWW-191 | Seattle, WA 98101

P: (206) 553.5171 | szelag.matthew@epa.gov

From: Berol, David
Sent: Friday, September 04, 2015 11:06 AM
To: Chung, Angela; Szelag, Matthew; Fleisig, Erica; Fidis, Alexander; Fabiano, Claudia; Buffo, Corey; Hisel-Mccoy, Sara
Cc: Schroer, Lee; Ford, Peter
Subject: FW: NWEA 2013 Petition on WA WQS -- follow up letter

Attorney-Client Privileged; Deliberative

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

David Berol

U.S. EPA Office of General Counsel

202-564-6873

berol.david@epa.gov

From: Chung, Angela

Sent: Friday, September 04, 2015 1:34 PM

To: Berol, David

Cc: Szelag, Matthew; Fleisig, Erica; Szalay, Endre

Subject: FW: NWEA 2013 Petition on WA WQS -- follow up letter

Hi David,

Welcome back! Not sure if this missive from Nina is in your in-box but I wanted to make sure you were aware since I saw your other email asking how we want to proceed with the WA litigation. I'll talk more with Matt and we'll get back to you.

Also, I'm working on a set of bullets for the OR AL toxics counter-offer and will send to the larger group later this morning. Thanks.

Angela Chung
Water Quality Standards Unit Manager
U.S. Environmental Protection Agency
1200 Sixth Ave, Suite 900, OWW 191
Seattle, WA 98101

Phone: 206-553-6511

From: Nina Bell [<mailto:nbell@advocates-nwea.org>]

Sent: Monday, August 31, 2015 11:02 AM

To: McLerran, Dennis; Opalski, Dan; Chung, Angela; Behl, Betsy; Hisel-Mccoy, Sara; Southerland, Elizabeth; Kopocis, Ken

Subject: NWEA 2013 Petition on WA WQS -- follow up letter

Please see the attached letter regarding Northwest Environmental Advocates' October 28, 2013 Petition for Rulemaking on Water Quality Criteria for Toxics in the State of Washington sent to Administrator Gina McCarthy today.

Sincerely,

Nina

Nina Bell, J.D., Executive Director

Northwest Environmental Advocates

P.O. Box 12187

Portland, OR 97212-0187

www.NorthwestEnvironmentalAdvocates.org

nbell@advocates-nwea.org

503/295-0490

To: Palmer, John[Palmer.John@epa.gov]
From: Szelag, Matthew
Sent: Tue 9/8/2015 6:54:40 PM
Subject: FW: NWEA 2013 Petition on WA WQS -- follow up letter
Petition follow up letter Aug 31 2015.pdf

And, here's 2.

Matthew Szelag | Water Quality Standards Coordinator

U.S. Environmental Protection Agency | Region 10

1200 6th Avenue, Suite 900, OWW-191 | Seattle, WA 98101

P: (206) 553.5171 | szelag.matthew@epa.gov

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Sent: Friday, September 04, 2015 11:06 AM
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Cc: Schroer, Lee; Ford, Peter
Subject: FW: NWEA 2013 Petition on WA WQS -- follow up letter

Attorney-Client Privileged; Deliberative

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

David Berol

U.S. EPA Office of General Counsel

202-564-6873

berol.david@epa.gov

From: Chung, Angela

Sent: Friday, September 04, 2015 1:34 PM

To: Berol, David

Cc: Szelag, Matthew; Fleisig, Erica; Szalay, Endre

Subject: FW: NWEA 2013 Petition on WA WQS -- follow up letter

Hi David,

Welcome back! Not sure if this missive from Nina is in your in-box but I wanted to make sure you were aware since I saw your other email asking how we want to proceed with the WA litigation. I'll talk more with Matt and we'll get back to you.

Also, I'm working on a set of bullets for the OR AL toxics counter-offer and will send to the larger group later this morning. Thanks.

Angela Chung
Water Quality Standards Unit Manager
U.S. Environmental Protection Agency
1200 Sixth Ave, Suite 900, OWW 191
Seattle, WA 98101

Phone: 206-553-6511

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Sent: Monday, August 31, 2015 11:02 AM

To: McLerran, Dennis; Opalski, Dan; Chung, Angela; Behl, Betsy; Hisel-Mccoy, Sara; Southerland, Elizabeth; Kopocis, Ken

Subject: NWEA 2013 Petition on WA WQS -- follow up letter

Please see the attached letter regarding Northwest Environmental Advocates' October 28, 2013 Petition for Rulemaking on Water Quality Criteria for Toxics in the State of Washington sent to Administrator Gina McCarthy today.

Sincerely,

Nina

Nina Bell, J.D., Executive Director

Northwest Environmental Advocates

P.O. Box 12187

Portland, OR 97212-0187

www.NorthwestEnvironmentalAdvocates.org

nbell@advocates-nwea.org

503/295-0490

To: Weber, Courtney[Weber.Courtney@epa.gov]
From: Szelag, Matthew
Sent: Thur 3/13/2014 4:55:50 PM
Subject: FW: Petition to EPA Administrator -- WA toxics
Petition to Update Washington WQS FINAL.pdf
Petition cover letter.pdf

Hi Courtney,

Here's the WA petition.

Matthew Szelag | Water Quality Standards Coordinator

U.S. Environmental Protection Agency | Region 10

1200 6th Avenue, Suite 900, OWW-131 | Seattle, WA 98101

P: (206) 553.5171 | szelag.matthew@epa.gov

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Sent: Monday, October 28, 2013 10:18 AM
To: Opalski, Dan; Psyk, Christine; Chung, Angela
Cc: Szelag, Matthew
Subject: Petition to EPA Administrator -- WA toxics

Dan, Christine, and Angela:

Please find attached the petition to Administrator McCarthy regarding Washington's toxic criteria.

Nina

Nina Bell, J.D., Executive Director

Northwest Environmental Advocates

P.O. Box 12187

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nbell@advocates-nwea.org

503/295-0490

To: Morris, Cynthia (ENRD)[C.J.Morris@usdoj.gov]
Cc: Cohon, Keith[Cohon.Keith@epa.gov]
From: Szelag, Matthew
Sent: Tue 2/25/2014 9:03:32 PM
Subject: FW: Petition to EPA Administrator -- WA toxics
Petition to Update Washington WQS FINAL.pdf
Petition cover letter.pdf

Hi C.J.,

Attached is the petition from NWEA.

Matthew Szelag | Water Quality Standards Coordinator

U.S. Environmental Protection Agency | Region 10

1200 6th Avenue, Suite 900, OWW-131 | Seattle, WA 98101

P: (206) 553.5171 | szelag.matthew@epa.gov

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Nina Bell, J.D., Executive Director

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www.NorthwestEnvironmentalAdvocates.org

nbell@advocates-nwea.org

503/295-0490

To: Fabiano, Claudia[Fabiano.Claudia@epa.gov]
From: Szelag, Matthew
Sent: Mon 11/4/2013 10:55:30 PM
Subject: FW: Petition to EPA Administrator -- WA toxics
Petition to Update Washington WQS FINAL.pdf
Petition cover letter.pdf

Hi Claudia,

Angela and I were talking about this petition today and wondering what the regional role might be. I don't know much about the petition process and how HQ typically handles them. Is there a standard process or any guesses you have about how this may play out?

Thanks in advance.

Matthew Szelag | Water Quality Standards Coordinator

U.S. Environmental Protection Agency | Region 10

1200 6th Avenue, Suite 900, OWW-131 | Seattle, WA 98101

P: (206) 553.5171 | szelag.matthew@epa.gov

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Sent: Monday, October 28, 2013 10:18 AM
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Nina

Nina Bell, J.D., Executive Director

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nbell@advocates-nwea.org

503/295-0490

To: Cohon, Keith[Cohon.Keith@epa.gov]
From: Szelag, Matthew
Sent: Thur 10/31/2013 6:46:21 PM
Subject: FW: Petition to EPA Administrator -- WA toxics
Petition to Update Washington WQS FINAL.pdf
Petition cover letter.pdf

Hi Keith,

Here's the petition – sorry you were left out!

Matthew Szelag | Water Quality Standards Coordinator

U.S. Environmental Protection Agency | Region 10

1200 6th Avenue, Suite 900, OWW-131 | Seattle, WA 98101

P: (206) 553.5171 | szelag.matthew@epa.gov

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Nina Bell, J.D., Executive Director

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